



Appeal Decision

Site visit made on 19 March 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH April 2024

Appeal Ref: APP/Y3615/D/23/3334860

1 Fairlands Avenue, Fairlands, Surrey, GU3 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs G Yarborough against the decision of Guildford Borough Council.
 - The application Ref 23/P/01323, dated 2 August 2023, was refused by notice dated 26 September 2023.
 - The application sought planning permission for Part single storey rear extension, two storey side extension, loft conversion including three rear dormers and raising of existing rear external wall and ridge, single storey side extension incorporating shower room, additional dropped kerb and extended driveway following demolition of existing garage (amended plans received on 14/11/2018 showing a reduction in size and width to the dormer windows. In addition, all references to the proposed brick piers and front boundary wall/railings have been omitted from the scheme) without complying with a condition attached to planning permission Ref 18/P/01839, dated 16 November 2018.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 7128/05, 7128/02, 7128/01 received on 20/09/2018 and amended drawing numbers 7128/04 Rev A, 7128/03 Rev B received on 14/11/2018.*
 - The reason given for the condition is: *To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
3. At the time of my site visit, development on the site had commenced but had not been completed.

Background and Main Issue

4. The appeal site comprises a detached two storey dwelling which has planning permission for extensions as described above. The appellant wishes to vary

condition 2 of that permission to enable the substitution of drawings to allow amendments to the fenestration and roof. The Council's objection relates to the design of the front elevation roof.

5. Therefore, the main issue is the effect that varying the condition would have on the character and appearance of the host dwelling and the surrounding area.

Reasons

6. The appeal site is located in an area that is mixed in character and appearance, comprising of detached and semi-detached two storey houses, bungalows, and apartment buildings.
7. The appeal proposal is for various amendments to the previously approved scheme, however the Council's objection relates solely to the design and appearance of the proposed central gable on the front elevation of the dwelling.
8. The approved scheme¹ detailed a smaller, more subservient gable offset towards the western side of the dwelling with a centrally positioned window beneath it. The proposed amendment is for a wider and higher gable, centrally positioned on the front elevation of the dwelling.
9. I observed on my site visit that several other dwellings in the immediate area also display front gables, including on the pairs of semi-detached dwellings at Nos 5 and 7, and 9 and 11 Fairlands Avenue, where one half of each semi-detached pair is designed with a front gable whilst the adjoining property in each case has a side gable. Therefore, in the case of these properties, the gable is offset to one side of each building.
10. The proposed gable on the front elevation of the dwelling would stand out as an overly prominent feature given the combination of its full height and disproportionate width in relation to the remainder of the front elevation of the dwelling. Moreover, its central positioning on the front elevation would appear incongruous particularly in relation to the pattern of fenestration below, with the main first floor front windows partly offset to either side of it and the smaller windows beneath unbalanced. Furthermore, the unbalanced appearance of the gable in relation to the fenestration would accentuate the overall size and dominance of the gable. Thus, I find that it would be a discordant feature which would be harmful to the character and appearance of the host dwelling and the surrounding area.
11. I acknowledge the structural issues encountered during construction, however I have not been presented with any substantive evidence that other solutions are not possible. This consideration does not, therefore, outweigh the concerns I have identified above.
12. Accordingly, I conclude that the variation of condition 2 would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It is therefore contrary to Policy D1 of the Guildford Borough Local Plan: Strategies and Sites 2015-2034 (2019), Policies D4 and H4 of the Guildford Borough Local Plan: Development Management Policies (2023), and the guidance set out in the Council's Residential Extensions and Alterations Supplementary Planning Document (2018). Collectively these policies and guidance require (amongst other things) development to be of a high quality

¹ Application ref. 18/P/01839

and to reinforce local distinctiveness and to take into account the scale, character, form and proportions of the existing building. It would also conflict with the design objectives of the National Planning Policy Framework (2023).

13. Whilst the Council has referred to Policy Send 1 of the Send Neighbourhood Plan 2019-2034 (NP) within its refusal reason, information provided by the appellant shows the site to be outside of the Send NP area. The policy is not therefore of relevance to the appeal.

Conclusion

14. For the above reasons I conclude that the appeal should be dismissed.

J Davis

INSPECTOR