

Appeal Decision

Site visit made on 27 February 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/Y3615/D/23/3336101

70 New Road, Chilworth, Surrey GU4 8LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jake Stephens against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01689.
 - The development proposed is for a first floor rear extension over existing footprint.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the living conditions of the occupants of no 68 New Road with specific regard to outlook and light and No 72 New Road with specific regard to privacy.

Reasons for the Recommendation

4. No 68 is detached from No 70 and has a two storey outrigger rear extension with a first floor window in its side that would face the extension, and one at a right angle on the rear. There are corresponding openings below. Due to a flat roofed extension on the rear of No 70 being closer to No 68's boundary, the first floor atop it would also be so. From the first and ground floor windows on the rear elevations of No 68, this would garner an overbearing feel for users of the associated rooms, with the extension looming. The effects would not be sufficiently offset by the extension at No 68.
5. The existing first-floor window in the side elevation of No 68 is in relatively close proximity to the corresponding side elevation of the appeal building. While this relationship has a reducing effect on the amount of light into that window and some of the garden space to the side and immediate rear of No 68, the substantial first floor extension would exacerbate the situation, as well as increasing the amount of time during the day when the space served by said window, and areas of the garden on No 68 closest to the building, would lack

natural light and cause an unacceptable degree of overshadowing, reducing the quality of the experience for users of the concerned spaces.

6. Neither the appeal building or No 72 have windows facing into the garden from the rear of their outriggers, and even though they both have windows facing the garden, these are significantly further back on the rear elevation of the main building. The views available of neighbouring gardens are therefore limited by their angle relative to the outrigger. The proposed extension would introduce windows higher up on this rear elevation, further forward than currently, which will allow a wider field of view from the appeal building. This would encroach on the privacy of the occupants of No 72, particularly outdoor areas closest to the house which are typically the most private areas of a garden. Obscure glazing could lessen the impact, but it would not address the other harms I have identified above.
7. Consequently, the proposed first floor extension would have a harmful effect on the benefit of natural light for and the outlook of the occupants of No 68, and on the privacy of the occupants of No 72 as it stands. As a result, it would be contrary to Policies D5 and H4 of the Guildford Borough Local Plan 2019, which seek to achieve high quality design which respond to its surrounding context.

Other Matters

8. There is a suggestion that the new development at Victoria Mews has an adverse effect on privacy for the occupants of Nos 68-72. In comparison to the proposal, the properties on Victoria Mews are a considerable distance from the rear and as such have a lesser effect in this regard. Such that I remain to be convinced the circumstances are sufficiently similar to the appeal scheme. My conclusion does not therefore change.

Conclusion and Recommendation

9. For the reasons given above I recommend that the appeal should be dismissed since it would conflict with the development plan and there are no material considerations worthy of sufficient weight to indicate otherwise.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR