

Appeal Decision

Site visit made on 22 March 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2024

Appeal Reference: APP/Y3615/D/24/3337469

Land at 1 Weyside Gardens, Guildford, Surrey GU1 1JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by C. Taylor against the decision of Guildford Borough Council.
 - The application (reference 23/P/01660, dated 29 September 2023) was refused by notice dated 29 November 2023.
 - The development proposed is described in the application form as a two storey side extension.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or intrusion on privacy).

Reasons

3. Weyside Gardens is a short cul-de-sac that has been created off the south frontage of Weyside Road, in a long established area of Guildford near to the River Wey. The locality is closely built up for the most part, although an extensive cemetery is to be found to the north of the appeal site, across Weyside Road.
4. Houses in the cul-de-sac are grouped around the access road, which turns through a right-angle, and those on the short northern frontage back onto Weyside Road. Their back gardens slope up to Weyside Road, which is at a significantly higher level than the frontage in Weyside Gardens. The houses at numbers 78 and 78a Weyside Road (on the corner of Weyside Gardens) have their back gardens on the downhill slope, towards the bottom road.
5. Thus, number 1 Weyside Gardens and number 78 Weyside Road lie almost alongside each other but facing in opposite directions, with the latter house at a much higher level. The garden at number 78 is dominated by the building, which stands at a much higher level, and it is bounded by high hedges on parts of the boundaries.

6. The appeal site at number 1 Weyside Gardens is a semi-detached house (with number 2) and the two-storey element is inset from its side boundary with number 78 Weyside Road. An existing single storey conservatory occupies this space. The steep back garden at the appeal site is laid out in a terraced land form, alongside the neighbouring house.
7. It is now proposed to remove the existing conservatory at the side of the house and to construct a two-storey extension in its place.
8. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change). It is also recognised that appropriate change may include increased densities.
9. An emphasis on the importance of encouraging good design is also to be found in the Development Plan. Policy D1 of the 'Guildford Borough Local Plan: strategy and sites 2015-2034' (which was adopted in April 2019) and Policies H4 and D4 of the 'Guildford Borough Local Plan: Development Management Policies' (which was adopted in March 2023) are especially relevant and planning policies that encourage good design also advise that new development should reflect local character. Policy H5 of the 'Development Management Policies' particularly identifies the need to protect residential amenity.
10. The Council's 'Residential Extensions and Alterations Supplementary Planning Document' (dated 2018) is also relevant but it does not have the force of the statutory Development Plan.
11. The existing street pattern is undoubtedly awkward, with house plots located alongside each other where the houses face in opposite directions, due to the way in which the area has been developed. On the other hand, the unusual layout and the variety of house types creates interest and adds to local character, while the steepness of the slope would reduce the impact of the proposed extension on the rear of number 78 Weyside Road.
12. The new extension would be built up to its side boundary with number 78 Weyside Road and would represent a significant physical feature. Nevertheless, the new extension would be set at a much lower level than the building at numbers 78 and 78a Weyside Road. It would have a slightly narrower depth than the host building and this, combined with its hipped roof would reduce its impact. The impact on the neighbouring property would also be mitigated by the steepness of its back garden and the much higher level of the rear part of the house.
13. In this case, however, I have formed the view that the proposed side extension would overly dominate the neighbours' garden, due to the size of the two-storey flank wall and its location to the south-west of the neighbouring garden (and the implications for overshadowing, therefore).
14. The effect of the proposals on neighbours' amenities also gives rise to concerns.

15. The ground floor window of the proposed extension would not have an undue impact on privacy, due to its low level and the adjoining ground levels but the first floor bedroom window would have a clear view into rear windows of number 78 Weyside Road. This would be obviously unacceptable, since the privacy of both properties would be compromised. I am aware that this rear window in the new extension could be glazed with clear glass and fixed shut (below 1700mm above floor level) but the window would serve a bedroom and the quality of living conditions for the new occupiers would be severely reduced.
16. Alternatively, a small bathroom could be located at the rear of the first floor, with the bedroom at the front. Thus, a rear window at first floor level in the extension could be obscure glazed without diminishing the quality of the new accommodation.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. The proposed new side extension would be a two-storey structure, alongside the main part of the existing building but set back from the front elevation with a hipped roof. It would be in harmony with the design of the existing buildings and with the surroundings generally.
18. Nevertheless, I am concerned about the bulk and impact of the extension as a whole and I am convinced that the effect of the proposals on neighbours' amenity (and on privacy for occupiers of the proposed new bedroom) outweighs the benefits of the project. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed in the form submitted. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR