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# Appeal Decision

Site visit made on 24 October 2024

**by N Praine BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 November 2024**

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**Appeal Ref: APP/Y3615/W/24/3339719**

**21 St Omer Road, Guildford, Surrey GU1 2DA**

- 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 ALH (Aspire Luxury Homes) against the decision of Guildford Borough Council.
  - The application Ref is 23/P/01027.
  - The development proposed is described as the erection of 2 no. two storey detached dwellings with associated parking and landscaping following demolition of existing chalet bungalow, garages and outbuilding, relocation of existing vehicular access and creation of new vehicular access.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On the 30 July 2024, the Government published a Written Ministerial Statement and a list of proposed changes to the National Planning Policy Framework for consultation. This consultation closed on the 24 September 2024. Some of these intentions and proposals centre on further boosting the delivery of housing. However, for the time being the exact details remain in draft and may be subject to change. They therefore carry limited weight in my consideration of this appeal.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - The living conditions of existing occupants with particular reference to light, outlook, and privacy; and
  - The character and appearance of the area.

## Reasons

### *Living Conditions*

4. The proposed development would be sited at a right angle to 19 St Omer Road. Both proposed plots feature first floor windows which would directly face onto No 19. The first floor of Plot 2 would include habitable windows (a bedroom) directly facing No 19.

5. A wooden decked area is sited next to the dwelling at No 19 and this part of the garden incorporates garden furniture and decorative landscaping. It would not be unreasonable to opine that this part of the garden to the rear of the dwelling would be the most sensitive ("the principal garden area") given it would be more frequently used for residential activities such as relaxation, dining, or entertaining given its layout and location close to the house.
6. I note there is planting on the boundary which would filter some views, however, considering the limited distance between the proposed first floor bedroom windows at Plot 2 and the principal garden area of No 19, there would be significant opportunities for direct and penetrating overlooking into the garden area of No 19 causing an unacceptable loss of privacy. I have considered the imposition of conditions to overcome this harm, however, there are no satisfactory conditions before me which would mitigate this harm and make the development acceptable.
7. In coming to this finding, I have considered the relationship between Tyler House on Tangier Road and 24 St Omer Road. This relationship is different as the principal garden area of No 24 is further away. I therefore do not consider that direct comparisons can be reasonably made between the current appeal site and this other site.
8. The relationship between the proposed development and the existing windows of No 19 would be more oblique. While there would be limited and occasional overlooking between these windows, the orientation of the existing and proposed windows and separation between them would not create unacceptable levels of overlooking in this regard.
9. The proposed development would result in two-storey development, with further accommodation in the roof, to the side of No 19. This would be closer than the existing dwelling, 21 St Omer Road, however, given its setback from the shared boundary, and its proposed height and layout, the development would not visually dominate the outlook from No 19.
10. The proposed development would extend beyond the rear wall of 14A Tangier Road and would be sited on slightly higher ground than this neighbour. I have also carefully considered the importance of the conservatory and rear garden to the occupiers of No 14A. The proposed development would be two storey and would be visible from the conservatory and garden area of this neighbour, however, its incursion would be limited in projection beyond the rear wall of this neighbour. Therefore, when viewed from the conservatory and rear principal garden area of No 14A, any impact would not be to such a degree which would result in unacceptable loss of outlook or light to these areas.
11. I also note the reduction in levels of overlooking to 14A Tangier Road, however, it is not clear for how long this layout has existed, nonetheless, the removal of this harm, while of some benefit, would not outweigh the introduced harm to No 19 as set out above.

12. For the reasons set out above, the proposed development would consequently have an unacceptable impact on the living conditions of the existing residential occupants at No 19 St Omer Road, with particular reference to privacy. The proposal would therefore unacceptably conflict with the relevant provisions of Policy D5 of the Guildford Borough Local Plan - Development Management Policies 2023 ("the Local Plan DM"). This, amongst other things, addresses the need for high quality design therefore respecting the living conditions of residential occupiers.

#### *Character and Appearance*

13. The appeal site sits at the junction where St Omer Road and Tangier Road meet. This corner location enables views of the appeal site along both roads when experienced from local vantage points.
14. The local streetscape of Tangier Road is characterised by broadly larger detached dwellings sitting on generously sized plots and this is consistent with The Council's Residential Design Guide. However, as one approaches the appeal site the street scene of Tangier Road becomes more compact around the junction particularly Ditton House, Tyler House, and Crockett House. These dwellings sit in narrower plots and are sited closer to each other with less space between them.
15. This part of St Omer Road, near to the appeal site, is more mixed with bungalows and two storey dwellings. The widths of plots and dwelling frontages vary more broadly in this road and the spacing between buildings also differ contributing to more diversity in this regard. However, I note the existing bungalows which are on the same side of St Omer Road as the appeal site are more similar in design and spacing.
16. Often junctions form an exciting focal point where observer's eyes are drawn to the interrelationship between buildings and the space around them. In such locations it is important to achieve balance in the street layout as these experiences frame the journey through the junction and beyond. Indeed, corner plots at junctions allow for creativity, however, this must also be carefully considered against the existing local context.
17. The proposed development would appear as two storey dwellings with an additional floor of accommodation in the roof space. The proposed height of both dwellings would appropriately follow the gradually ascending nature of buildings along Tangier Road. I accept the proposed plot and building widths would be narrower than the broader vernacular, however, they would be more closely aligned with the reduced widths of the locality particularly Ditton House, Tyler House, and Crockett House to the other side of the junction.
18. An increase in density does not automatically translate to harm, however, I accept the proposed plots and elevations facing Tangier Road would be narrower than a considerable number of existing buildings and, in some cases, more closely set to each other than the wider urban grain in Tangier Road. Nonetheless, by taking its design cues from the distinct local context of Ditton House, Tyler House, and Crockett House, the proposed development would achieve a degree of balance and harmony at this junction justifying a departure from the wider established character and appearance of Tangier Road.

19. Plot 1 would be set moderately forward of the established building line with 14A Tangier Road, however, this would respond to the building lines of Ditton House, Tyler House, and Crockett House and given the corner plot location such variation would add some interest and respond to this junction location.
20. The long elevation of Plot 1 facing St Omer Road, while moderately deeper would broadly reflect the siting and layout of Ditton House opposite and the width and spacing of dwellings along this side of St Omer Road. I note bungalow style dwellings, many with dormer accommodation in the roof, exist along this side of St Omer Road and while the proposed dwellings would be taller, given the separation of the proposed development from these neighbouring properties in combination with the corner location and local context of this junction, as set out above, this contrast would be acceptable when experienced from St Omer Road.
21. While Plot 2 would have a deeper elevation this would be largely screened by 14A and Plot 1. The proposed gardens would be more modest in size, when compared to some neighbouring dwellings. However, I have found the spacing between buildings to be acceptable as well as the proposed plot widths and depths. The actual gardens would be screened by hedgerows and mature landscaping. As such their modest size would have limited visual impact when experienced from public vantage points.
22. Car parking to the frontages of dwellings is a common feature in this streetscape with varying degrees of hardstanding and landscaping. There would be opportunity to provide some landscaping to the frontage of Plot 2 and more to Plot 1. Given the existing context this would coherently respond to the existing landscape setting.
23. Therefore, the proposed development would not appear cramped and would integrate sympathetically into the local context, relating positively to adjoining buildings. The appeal scheme would therefore have an acceptable effect on the identity, character and appearance of the area complying with the relevant provisions of Policy D1 of the Guildford Borough Local Plan - Strategy and Sites 2019 and Policy D4 of the Local Plan DM. These, amongst other things, seek to promote high quality design which responds to local distinctiveness and legibility of place.

## **Planning Balance**

24. The proposal would be an efficient use of a windfall site, delivering one additional family dwelling to the Council's housing stock in an urban area where the principle is broadly accepted. There would be economic benefits and additional environmental benefits including a reduction in carbon emissions with further energy and water savings. However, given the limited quantum of development proposed, I ascribe the cumulative impact of these benefits moderate weight.
25. While I have found no harm arising from the character and appearance of the area, the harm in respect to the impact upon the living conditions of the existing occupants at 19 St Omer Road would be long lasting and considerable. This harm attracts substantial weight.

26. Accordingly, the harm I have identified would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

### **Other Matters**

27. The Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitats Regulations") require that permission may only be granted after having ascertained that it would not affect the integrity of a European site, such as a Special Protection Area ("SPA"). The evidence indicates that the appeal site lies within the buffer zone of the Thames Basin Heaths SPA, which is designated for its populations of heathland species of birds. However, given my overall conclusions, I do not need to carry out an appropriate assessment as required under the Habitats Regulations. I therefore do not need to consider this matter any further.

### **Conclusion**

28. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*N Praine*

INSPECTOR