



Appeal Decision

Site visit made on 7 February 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/Y3615/D/25/3358504

70 Raymond Crescent, Guildford, Surrey GU2 7SZ

- 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 N Ferreira against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01497.
 - The development is to extend existing flat-roofed dormer on rear roof slope, together with installation of accessible external deck at second floor level over pre-existing roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.
3. From the information before me, there is no dispute over the scale and general design of the dormer part of the proposal. I agree that the dormer structure integrates well with the dwelling and is acceptable in isolation. The sole area of dispute is the external deck at second floor level.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the existing dwelling and area, and (ii) living conditions of neighbouring properties.

Reasons

Character and appearance

5. The appeal property is a two-storey semi-detached dwelling. The character of the area is residential with properties along Raymond Crescent comprising mainly semi-detached dwellings with similar designs to the appeal property. Behind the rear garden of the appeal property is the parking area for a block of flats on Pentreath Avenue.
6. As observed on my site inspection, the development including external decked amenity area has been completed. The decked area has been built on top of a rear projection to the property at second storey level and is accessed from the rear

bedroom through double doors. It has been finished with wooden decking on the floor with metal balustrade railings erected around the edges.

7. The decked area extends beyond the dormer onto the roof of the existing two storey rear projection. No other properties nearby have extended onto their roof space to this extent or in this way. The visual impact of the decked area is accentuated by the chrome metal railings, which appear as a notably different type of material to the more understated palette that prevails across the rear of properties nearby. Due to its markedly prominent and incongruous appearance, the decked area does not, therefore, successfully blend in with the other flat roofed dormers, rear roofscapes and rear elevational treatment. It appears as unduly prominent in its context and is an incongruous form of development that unacceptably detracts from the character and appearance of the property and surrounding area.
8. I note that the outdoor amenity area replaced a duo-pitched roof, reducing the built volume, and does not exceed the existing ridge line. Notwithstanding, this does not justify the harm identified as the external amenity area has replaced what would have been an established part of the roof structure with an external amenity area that is prominently out of character with the property and surrounding area.
9. The harm identified is also not offset by either its relatively small scale or similarity to the ground floor decking area at the property or on others nearby. The size of the area and use of wooden decking is immaterial in this case as the structure as a whole is a prominently visible and jarring form of development due to its elevated position.
10. To conclude, the decked area is an unduly prominent and uncharacteristic addition that harms the character and appearance of the dwelling and wider area. Accordingly, the decked area is contrary to Policy D1 of the Guildford Local Plan: Strategy and Sites 2015-2034 and Policies D4 and H4 of the Guildford Local Plan: Development Management Policies 2023 (DMP). These require development to achieve high quality design that responds to local character, contribute to local distinctiveness and respect existing context. The proposal is also not consistent with Paragraph 135 of the Framework that requires development to be sympathetic to local character.

Living conditions

11. Due to its elevated position, the decked area provides clear and uninterrupted views of the neighbouring gardens for Nos. 68 and 72. There are also views into the rear of other properties beyond given the position of plots within the road layouts of Raymond Crescent and Pentreath Avenue. These views, that arise from the decked area's elevated and projected position, are unacceptably intrusive to the privacy of neighbouring properties.
12. Whilst I note that No. 72's garden is heavily overgrown and currently unusable, I consider that it is unlikely to be that way in perpetuity. Similarly, whilst the new owner of No. 68 did not object to the planning application, the ownership may change again in the future. I, therefore, give these points limited weight as I am required to consider the impact to neighbouring properties on both existing and future living conditions. For the reasons stated, the direct views that occur to both neighbouring properties' garden areas is intrusive and results in an unacceptable loss of privacy.

13. I acknowledge there is a Juliet balcony at No. 52. However, the Juliet balcony is set further back than the appeal proposal and integrated within its dormer structure not dissimilar to a standard second storey window. In contrast, the decked area projects out into the roof space where users will be notably more visible due to the lack of screening that exists from having open railings. The Juliet balcony at No. 52, therefore, does not justify the harm identified as it is a materially different form of development to the one before me.
14. The Council's Residential Extensions and Alterations Guide Supplementary Planning Document 2018 (SPD) advises that balconies should incorporate solid sides with a minimum distance of 7m to preserve neighbouring amenity, which is not met. I do note that the appellant would accept a condition to secure privacy screens. However, the proposed 1.8m privacy screens, shown illustratively in the information provided, would appear to result in a material change in the character and appearance of the development. It would not be appropriate to include a condition that would materially change the development's appearance given that I have already found the decked area as presented to harm the character and appearance of the area earlier in this decision. Any proposed changes to the development in this regard should be subject to a fresh and separate planning application and not a matter for me to address in this appeal.
15. In conclusion, the decked area results in an uncomfortable and overly intrusive level of overlooking to the adjoining dwellings due to its projection and elevated position. This is exacerbated by the balustrade railings that do not provide any privacy screening resulting in unacceptably open and direct views into neighbouring properties. This is contrary to Policies D5 and H4 of the DMP, which require development to avoid having an unacceptable impact on the living environment and amenities of existing residential properties. The proposal would also not accord with Paragraph 135 of the National Planning Policy Framework 2024, which requires development to have a high standard of amenity for existing and future users. The decked area also does not meet the guidance within the Council's SPD.

Other matters

16. I acknowledge that the appellant was not aware that the development required planning permission and has since sought to regularise the situation at the site. I also note that no objections were submitted to the planning application and that the outdoor area would provide for additional amenity space for users of the house. These other matters are, however, neutral factors and do not negate the need to objectively assess the impact of the development on character and living conditions, both of which are unacceptably affected for the reasons stated.

Conclusion

17. For the reasons given, the development is not consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be dismissed.

N Perrins

INSPECTOR