



Appeal Decision

Site visit made on 9 September 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/Y3615/W/25/3367879

8 The Street, West Horsley, Surrey KT24 6AX

- 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 S Ralph of Railsite Holdings against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01033.
 - The development proposed is described as “loft conversion, rear and side extensions to form two additional one-bedroom flats. Ground floor clinic use retained”.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion, rear and side extensions to convert maisonette into three one-bedroom flats with ground floor clinic use retained at 8 The Street, West Horsley, Surrey KT24 6AX in accordance with the terms of the application, Ref 24/P/01033, subject to the conditions in the attached schedule.

Preliminary Matters

2. As the proposal is for the subdivision of an existing maisonette into three flats utilising loft space and extensions, I have used the following description of development, which more accurately describes the proposal: “Loft conversion, rear and side extensions to convert maisonette into three one-bedroom flats with ground floor clinic use retained”.
3. The appeal was accompanied by two amended drawings: Location & Block Plans (Drawing No SWH/230P3) and Site Plan as Proposed (Drawing No SWH2/231P4). The plans enlarged the red line to include the proposed shared garden area to the rear of 10 The Street, with the remainder of No 10’s curtilage and the property known as Bell & Colvill remaining within the blue line. As the changes do not materially alter the proposals, and as the Council and interested parties have had the opportunity to comment on them, no parties are prejudiced by the changes. I have therefore determined the appeal on the basis of the amended plans.
4. Planning permission has previously been granted to convert the upper floors of 10 The Street into two flats¹, and subsequently varied by an approved non-material amendment to remove the first floor side facing window and replace it with four rooflights². The appellant’s drawing entitled Plans and Elevations as Existing (Drawing No SWH2/232P2) shows this planning permission having been fully implemented, which was not the case at the time of my site visit, though I noted

¹ LPA reference 18/P/01773

² LPA reference 24/N/0086

that the first floor window in the side elevation of No 10 has been blocked up. I have made my assessment on the basis of the condition of No 10 as I observed it on my site visit.

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
- the living conditions of 10 The Street with particular reference to light and outlook; and
 - the living conditions of future occupiers with particular reference to outdoor space.

Reasons

Living conditions of 10 The Street

6. The appeal site forms part of a small parade of shops located close to the junction of The Street and Epsom Road. The proposal is to extend the building and convert the three-bedroom flat to three one-bedroom flats, whilst retaining the ground floor commercial use.
7. The Council's concern related to loss of light and outlook from the first floor window in the flank wall of the adjoining semi-detached property, 10 The Street. I saw on my site visit that the window in question had been blocked up. The impact of the development which concerned the Council would not therefore arise.
8. I therefore conclude that the proposal would not deprive 10 The Street of light and outlook and would not therefore harm its living conditions. The proposal would comply with Policy D5 of the Guildford Borough Local Plan: Development Management Policies Adopted on 22 March 2023 (DMP), which requires development proposals to avoid having an unacceptable impact on the living conditions of existing residential properties through, amongst other things, overbearing effects and access to sunlight and daylight.

Living conditions of future occupiers

9. The proposal includes a private outdoor area for the ground floor flat, and a garden for the two upper floor flats which would be shared with the two consented flats at 10 The Street, with a pedestrian gate provided between the two properties. The private amenity area for the ground floor flat satisfies the requirements of Policy D5 of the DMP, whilst I consider that the shared garden, albeit not providing private amenity space for each flat, would provide sufficient outdoor space for the two upper floor flats and the two flats at No 10, when assessed against the provisions of Policy D5 of the DMP.
10. The Council's concern was that the proposed amenity area lay outside the red line of the proposal. To address this, the appellant has amended the red line to incorporate the garden area of No 10, thus providing confidence that the shared garden would be made available for the occupiers of the two upper floor flats. A condition could be attached to ensure that the shared garden and pedestrian gate are provided prior to occupation and are retained in perpetuity for the benefit of the occupiers of the proposed flats.

11. On this basis, I conclude that future occupiers of the property would have access to outdoor space and thereby enjoy suitable living conditions, in accordance with Policy D5 of the DMP, which sets out the requirements for private and shared amenity space for new flatted development.

Other Matters

12. The parties have provided a considerable amount of background information regarding their negotiations on the planning application, but this has played no part in my assessment of the proposal.

Conditions

13. The Council has recommended that three planning conditions be imposed in the event that the appeal is allowed, in addition to which the appellant has offered to be bound by any pre-occupation conditions which are necessary to overcome the Council's concerns. In assessing the need for the conditions, I have had regard to the policy requirements contained in the development plan and assessed the conditions in relation to the six tests set out in the Framework.
14. In the interests of certainty, I have imposed a time limit condition and a condition listing the approved plans.
15. To ensure that adequate outdoor space is provided for future residents in accordance with Policy D5 of the DMP, the outdoor areas and pedestrian link should be made available prior to occupation and thereafter retained in perpetuity.
16. A condition is required to ensure that the proposed car and cycling parking is made available prior to occupation and thereafter retained, to ensure compliance with Policy ID10 of the DMP.
17. To protect the appearance of the area, the materials to be used for the extensions should match those of the existing building. However I do not consider it necessary for details of the proposed materials to be submitted for approval.

Conclusion

18. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos SWH/230P3, SWH2/231P4 and SWH2/233P2.
- 3) The development hereby permitted shall not be occupied until the private outdoor area for the ground floor flat and the shared garden area for the upper floor flats, along with a pedestrian gate linking Nos 8 and 10 The Street, have been provided in accordance with drawing no SWH2/231P4. Thereafter those areas shall be retained for outdoor only, with a permanent pedestrian link retained between the two properties.
- 4) The development hereby permitted shall not be occupied until vehicle and bicycle parking spaces have been provided in accordance with drawing no SWH2/231P4. Thereafter those spaces shall be retained for the parking of vehicles and bicycles only.
- 5) The external materials of the extensions hereby permitted shall match those used in the existing building.

End of schedule