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## Appeal Decision

Site visit made on 15 December 2025

by **Barry John Lomax MPLAN (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

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**Appeal Ref: APP/Y3615/W/25/3374586**

**Flat 1, Stoke Range, 23 Clandon Road, Guildford GU1 2DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mike Cooper against Guildford Borough Council.
  - The application Ref is 25/P/00124.
  - The development proposed was described as “2 single storey extensions and an outbuilding”
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey side extension, single storey rear extension, and the erection of an outbuilding at Flat 1, Stoke Range, Guildford, GU1 2DR in accordance with the terms of the application, Ref 25/P/00124, dated 31 January 2025, and the plans submitted with it, subject to the following 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 the following approved plans:
    - P0 Site Plan
    - P1 Ground Floor
    - P2 Elevations – Front / Rear
    - P3 Elevations – Right / Left side
    - P8 Garden Room
  - 3) No development shall take place until a detailed drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and managed and maintained thereafter in accordance with the approved details.
  - 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extensions and outbuilding hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 5) Prior to the occupation of the development hereby permitted, the boundary treatment along the northern boundary of the site shall have been erected / completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The submitted details shall include the height, position, design, materials, and type of boundary treatment. The boundary treatment shall thereafter be retained as approved.

### **Preliminary Matters**

2. I have amended the description of development from that set out in the banner heading above, which was taken from the application form, but which differs from the description on the appeal form, the description on the appeal form being "Proposed single storey side extension and single storey rear extension, and the erection of an outbuilding". The amended description more accurately reflects the nature of the proposed development, and I have used it in my decision. I am satisfied that no interested party has been prejudiced by this approach.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. However, the Council has indicated that had it been able to issue a decision, it would have refused permission on the grounds that the west side extension (extension 2), by nature of its height, depth and location, would create a harmful sense of enclosure to the ground floor residential unit immediately to the south, resulting in an unneighbourly form of development.
4. The Council has not raised any concerns with the other elements of the proposed development, nor have any third parties. The information before me does not lead me to a different conclusion.

### **Main Issue**

5. The main issue is the effect of the proposed west side extension (extension 2) on the living conditions of neighbouring occupiers of the ground floor flat at 23 Clandon Road, located to the south of the appeal site, with particular regard to outlook.

### **Reason**

6. The appeal site lies within a residential area characterised by large detached and semi-detached dwellings, several of which have been subdivided into flatted accommodation. The dwellings are generally set back from the highway behind mature, well-established planting, which contributes to the verdant character of the locality.
7. The appeal site comprises a ground floor flat forming part of a larger building that has been subdivided into several flats. The flat is situated within a modern extension to a much older host property. The site benefits from a generous garden area to the south of which are a number of flats located within the historic part of the wider building.
8. Extension 2 would be positioned close to the shared boundary with the neighbouring flat to the immediate south, referred to by the Council as the ground floor flat at No. 23 Clandon Road. While the extension would be visible from the rear windows of that flat and from its garden area, and while it would protrude above the existing boundary fence, its modest single-storey height, its siting off the boundary, and its relationship with the surrounding built form mean it would not

appear unduly dominant or overbearing. The degree of enclosure would be limited and within reasonable expectations in a residential environment of this type.

9. Guildford Borough Local Plan: Development Management Policies 2023 (LPDMP) Policy H4 - Housing Extensions and Alterations including Annexes, requires that development should not have an unacceptable effect on amenity. Complementing this, LPDMP Policy D5: Protection of Amenity and Provision of Amenity Space, seeks to ensure that proposals safeguard the living environment of both existing and future residents. The Residential Extensions and Alterations Guide SPD 2018 amplify the aims of those policies.
10. For the reason set out above the proposal would not harm living conditions of the neighbouring occupiers of the ground floor flat at 23 Clandon Road, located to the south of the appeal site, with particular regard to outlook.

### **Conditions**

11. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, advice contained in the Planning Practice Guidance (PPG), and any representations made by the parties.
12. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty. I have omitted Plans P4, P5, P6, and P7 from the list of approved plans given that these are 3D images not construction drawings. A condition requiring the submission of details of the materials to be used in the construction of the external surfaces has been imposed. This is necessary owing to the absence of such details on the submitted plans and the imprecision of the application form in this regard. The condition is therefore required to provide certainty and to safeguard visual amenity.
13. A condition has been requested by Network Rail requiring the approval of drainage details. Given the proximity of the site to the operational railway, I consider such a condition to be necessary to safeguard the adjoining Network Rail land and, by extension, to protect the safe operation and function of the railway. As the drainage arrangements are integral to the start of the construction process, this would need to be secured by way of a pre-commencement condition. The appellant has agreed to the imposition of the pre-commencement condition.
14. A condition requiring the submission of details of boundary treatment has been requested by Network Rail. I consider such a condition to be necessary to safeguard the adjoining Network Rail land and, by extension, to protect the safe operation and function of the railway.
15. I am satisfied that each condition meets the tests of necessity, relevance, enforceability, precision, and reasonableness as set out in paragraph 57 of the Framework.

### **Conclusion**

16. I conclude that the proposal accords with the development plan, and there are no material considerations that indicate a decision should be taken other than in accordance with it, in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
17. Accordingly, the appeal is allowed, subject to the conditions set out above.

*Barry John Lomax*

INSPECTOR