Planning Inspectorate

# Appeal Decision

Site visit made on 19 October 2026


**by Robin Buchanan BA (Hons) MRTPI**

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



**Decision date: 9 November 2026**


**Appeal Ref: APP/Y3615/C/25/3375997**
**25 Hornbeam Road, Guildford GU1 1LR**

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Konstantin Gogol against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 16 October 2025.
- The breach of planning control as alleged in the notice is 'without planning permission operational development comprising the construction of a two-storey side extension on the north-west elevation of the dwelling, the construction of a rear extension on the south-west elevation of the dwelling and alterations of the roof comprising the construction of a dormer and reconfiguration of the roof'.
- The requirements of the notice are to:
  i) Demolish the unauthorised extensions to the property on the north west (side) elevation and south-west (rear) elevation and any unauthorised alterations to the roof including the dormer on the south-west (rear roof) elevation and the roof reconfiguration;
  ii) Reinstate the affected walls and roof of the dwellinghouse to that which existed prior to the works commencing, as per plan PL04 which is attached to this Notice, using materials to match the pre-existing dwellinghouse;
  iii) Permanently remove from the Land all materials, rubble, rubbish and debris arising from steps (i) to (ii).
- The period for compliance with the requirements is: 12 months.
- The appeal proceeded on the grounds set out in section 174(2)(a) and (f) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

## Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

## Preliminary Matter

2. The appellant's final comments included 'even if a breach were found'. Aside from this fleeting reference, the appeal was not made on ground (b) or ground (c), nor was it pursued in this regard with any greater substance or vigour.

## Ground (a)

*Background and Main Issues*

3. The deemed application for planning permission is for the matters specified in the breach of planning control in the notice, as set out in the 4th bullet point in the banner header above. Essentially, a rear roof dormer extension, a two-storey side/rear extension and a single-storey rear extension (the development).

4. The appellant was granted planning permission (PP) for a 'two storey side/rear extension following demolition of an existing single storey addition'[1]. Then, a lawful development certificate (LDC) for a proposed 'single storey rear extension and hip to gable roof extension with rear dormer following demolition of existing side and rear extension'[2]. In essence, he claims that the development is effectively an amalgamation of the PP and the LDC, so acceptable on that basis.

5. The main issues are:

   - the effect of the development on the character and appearance of No.25 Hornbeam Road and the area; and
   - whether or not the development conserves and enhances biodiversity.

*Reasons*

Character and appearance

6. No.25 was a modest sized, two-storey end of terrace house. A shallow projecting front elevation gable returned at the side with a deep hipped roof that continued at the rear. An attached single-storey side outhouse with a pitched roof was set further back from the road and incorporated a flat roof extension behind it. The mid-terraced houses are otherwise similar in design to No.25, as it is to the other terraced houses nearby and semi-detached pairs of houses that also line the roads (named after trees) in this post-war estate. The largely original intact form of No.25 was thus in keeping with its context of contemporary housing. As such, it made a positive contribution to the distinctive, still largely homogenous character and appearance of this evidently carefully planned and crafted residential area.

7. The single-storey rear extension stretches across the original ground floor of No.25 but it does not project a long way into the back garden. The low eaves is not much taller than the boundary fence and the upper edge of the shallow pitched lean-to style roof is not much higher, leaving a modest gap below first floor window sills. Mainly just the roof of this extension can be seen from part of a public open space (POS) in Medlar Close that borders No.25, so it is relatively innocuous.

8. However, the large rear roof dormer extension is wide and spans virtually all of this highest, now three-storey part of the house, including from ridge to near eaves level. This angular, flat roof structure has extensive vertical elevations, including an exposed band of brickwork on one side, facing the POS above the hipped roof of the two-storey side/rear extension. The bulky, box-like form protrudes abruptly upwards and outwards to add substantial scale and massing beyond the plane of the original side and rear hipped roof slopes, which essentially no longer exist.

9. Furthermore, the two-storey side/rear extension is stepped back slightly from the projecting front gable and now bookends this end of the terrace, not the gable. Although it is narrow facing the road and some of the hipped roof steps down in height, it is long so the first floor and roof of this wing both jut back in-depth, behind the original two-storey part of the house with substantial scale and massing. Most of the bulk of this extension, including a sheer plane of brickwork in the side elevation with few windows, runs next to the boundary of the back garden, parallel to it facing the POS and projects a long way above the fence.

[1] 18/P/00956
[2] 18/P/00954

10. As a result, although external materials and some design details are not out of kilter, the somewhat disjointed and overall unsympathetic form and extent of these two extensions lack visual cohesion and physical integrity, especially where they combine awkwardly and discordantly at roof level. The arrangement and form of both extensions also significantly disrupt the symmetry of the terrace.

11. Despite some similarities, this dominant overdevelopment of No.25 is in contrast to rear roof dormer extensions or two-storey side/rear extensions at some of the other houses in the estate put to me by the appellant or that I also saw. There is little evidence that they have the same individual or cumulative extent or form of enlargement as at No.25 and they are not anyway as intrusive in public views. These developments are not directly comparable and do not establish or reinforce a widespread pattern and form of rear roof dormers or two-storey side/rear extensions in the area.

12. The POS forms a large gap in the Hornbeam Road streetscene. This means that not only is the rear roof dormer extension and the two-storey side/rear extension conspicuous and prominent in public views from all of the POS, but also from one unobstructed direction along Hornbeam Road. That these extensions have profoundly altered the original house at No.25 stands out as incongruous and at odds with the general sequence of most terraces in the area and the prevailing form and layout of houses in the estate.

13. Albeit via ground (f), an alternative scheme for proposed modifications is shown in plans submitted with the appeal[3]. The planning merits of this development are better considered in ground (a), including for reasons set out in ground (f) below. It would make the rear roof dormer extension slightly narrower and recessed, with an altered roof form including a small Dutch gable and tile hanging and lower the height of some more of the two-storey side/rear extension hipped roof. Planning conditions could approve these plans and ensure these works were carried out. In the context of the development as a whole, these material but small changes would not, in my view, alter the substance of the matters specified in the breach of planning control – i.e. the alternative scheme would still comprise a rear roof dormer extension, a two-storey side/rear extension and a single-storey rear extension. On this basis, no party would be prejudiced.

14. However, the alternative scheme would not fundamentally alter the nature or extent of the development pursued by the enforcement notice, especially the rear roof dormer extension and the two-storey side/rear extension. Consequently, it does not overcome the objections outlined above (or in the second main issue below).

15. Considering all of this, the development causes substantial harm to the character and appearance of No.25 and the area. It does not therefore comply with Policy D1 of the Guildford Borough Local Plan Strategy and Sites, April 2019 (LPSS) or with Policies D4 and H4 of the Guildford Borough Local Plan Development Management Policies, March 2023 (LPDMP). They include that house extensions should be high quality in design and respect or reinforce the distinctive local character of an area and pattern of development; having regard to built form, significant views, prevailing character and form and the scale of existing buildings in height, bulk, massing, proportions and impact on the streetscene.

[3] Drawing numbers NA-25092-2PL-01, 02, 03

Biodiversity

16. Amongst other things, explanatory text confirms that the Council intends LPDMP Policy P7 to apply to new buildings and other structures. This policy includes that development proposals are required to seek maximum biodiversity on site, such as appropriate features in, or on, building structures to support nature and cater for appropriate species.

17. There is no apparent reason this policy excludes householder development, such as the extensions in this appeal and little evidence that the development includes appropriate features in these regards. Nor that any can be retrofitted with certainty or therefore secured by the Council's suggested (without prejudice) planning condition. In these circumstances, the development does not conserve or enhance biodiversity, contrary to LPDMP Policy P7 and also LPSS Policy ID4 which additionally sets out that new development should deliver biodiversity gains.

*Other Considerations*

18. **Consistency** - The PP did not include a rear roof dormer extension or a single-storey rear extension, nor the same combined roof form as in the development. It is thus unsurprising that when there was a need for planning permission for the totality of the development, the Council came to different conclusions about its planning policies in deciding it was expedient to take enforcement action. Moreover, planning policy was not relevant to determining the LDC. Consequently, the Council has not been inconsistent.

19. **Fallback** - The appellant could have built the PP or the LDC. But the development includes significant roof alterations which overlap (combine the PP two-storey side extension with the LDC rear roof dormer extension) and are not in either approval.

20. There is little objective evidence that the PP and the LDC could have been built together without a grant of planning permission, even if the LDC was started first. Nor that the extensions were anything other than a single composite act of development, incorporating the PP and the LDC even if started as discrete works when the PP was extant or under the terms of the LDC. There is also little evidence that the PP is anyway still extant or that these parts of the development are in full compliance with the approved PP plans and other parts are in full compliance with the approved LDC plans. Nor to show that even with the proposed modifications, the development would be permitted development.

21. The Council has, to all intents and purposes, already refused the appellant planning permission to amalgamate the PP and the LDC, including roof alterations[4] – i.e. in essence, for the development pursued by the enforcement notice. A section 78 appeal was dismissed in 2020, including for the reasons set out in paragraphs 5, 7 and 8 of the decision in respect of a rear roof dormer extension, a slightly wider two-storey side/rear extension and a combination roof form[5]. The differences do not materially distinguish that appeal decision from the development, which fundamentally has the same or similar adverse impacts on the character and appearance of No.25 and the area as in this previous appeal. There is little evidence of significant relevant change since to warrant a different decision now.

[4] 19/P/00129
[5] APP/Y3615/W/19/3235571

22. Consequently, despite some similarities, individually or together, the PP and the LDC do not provide a fallback position to justify the development.

23. **Split decision** – The appellant did not seek planning permission for part of the development. There is, in any event, little evidence of discrete internal or external physical or functional detachment or that it is severable into constituent parts.

24. **Conditions** – I am satisfied that planning conditions could not overcome the harm outlined in the main issues or therefore make the development acceptable, including the alternative scheme.

*Planning Balance and Ground (a) Conclusion*

25. No.25 may still be a dwellinghouse in single family occupation or now a house in multiple occupation. Either way, the additional living accommodation in the development is largely the personal or private preference of the appellant. As such, this consideration has limited weight.

26. The significant increase in residential floorspace within this plot is, though, in line with the overall aim of National Planning Policy Framework (NPPF) Policy L2 to make effective use of land. But there is substantial harm to the character and appearance of this building and its surroundings, including because the development is not consistent with the overall streetscene, is visible from the street frontage and it is not appropriate to have this larger building on this street corner plot. This conflict with Policy L2(1)(d)(i) means the floorspace benefit should not be given Policy L2(1) substantial weight.

27. Furthermore, there is conflict with Policy DP3(1) because the development does not sufficiently respond to its context or integrate with and enhance its surroundings. Also, with Policy DP3(2)(g) because it does not maintain a strong sense of place. In these circumstances, and as the development has no clear justification, according to Policy DP3(3) it should be refused and with regard to Policy S4(2)(a)(ii) there is substantial adverse impact within a residential curtilage.

28. Aside from this, it does not include features which support priority or threatened species, so does not contribute positively to the natural environment in conflict with Policy N2(1)(f). This consideration adds further weight against the appeal.

29. Having regard to Policy S3 and despite that No.25 is located within a settlement under Policy S4(1), for the purpose of Policy S4(2) the benefits of approving the development would therefore be substantially outweighed by these adverse effects.

30. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole[6]. Consequently, for the reasons given above, the development is unacceptable and planning permission should not be granted for it. Ground (a) therefore fails.

**Ground (f)**

31. For ground (f) to succeed, the appellant must demonstrate that the steps required by the enforcement notice to be taken exceed what is necessary to remedy the breach of planning control.

[6] Section 38(6) - Planning and Compulsory Purchase Act 2004, as amended.

32. The reasons for issuing the notice refer to some amenity considerations but these explain why the Council decided it was expedient to take enforcement action. Together with the requirements, it is clear that the purpose of the notice is to remedy the breach of planning control. Section 173 of the Act provides that the steps required to be taken by a notice can include restoring the land to its condition before the breach took place by the removal of any buildings or works and the carrying out of any building or other operations. The requirements would achieve these outcomes and the Council does not under-enforce.

33. The appellant seeks to vary the requirements in order to retain the development pursued by the enforcement notice, with the proposed modifications. I acknowledge that planning enforcement should be remedial, not punitive and I accept that this alternative scheme would be at less cost and disruption to the appellant. It would also make more sustainable use of materials and reduce waste or carbon impacts, in line with other objectives of the development plan and the NPPF.

34. However, relevant caselaw has established that the power to vary the terms of an enforcement notice under section 176(1)(b) of the Act cannot be used to challenge the substance of the notice. In this regard, the alternative scheme would not remedy the breach of planning control nor therefore achieve the same outcome sought by the Council in the notice. It would not, in any event, overcome harm for the reasons explained in ground (a). No other lesser step or obvious alternative to remedy the breach of planning control was advanced or is evident, including no plans.

35. In these circumstances, the steps required by the notice are consistent with remedying the breach of planning control so are necessary, proportionate and not excessive. Accordingly, ground (f) fails.

36. Though not relevant to my assessment in ground (f), the 12-month period of compliance in the notice would give the appellant an opportunity, if he wished, to see if another scheme might be acceptable to the Council. That would, though, be a matter for the main parties, including compliance with the notice.

**Overall Conclusion**

37. As grounds (a) and (f) fail, the appeal does not succeed. The enforcement notice will be upheld and planning permission will be refused.

*Robin Buchanan*
INSPECTOR