

Appeal Decision

Site visit made on 27 September 2016

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/R3650/D/16/3153318
22 Smithwood Avenue, Cranleigh GU6 8PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Newell against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0609 was refused by notice dated 31 May 2016.
 - The development proposed is a two storey rear extension and single storey side/front extensions.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 21 Smithwood Avenue, with regard to whether the extended dwelling would appear overbearing and overly dominant.

Reasons

3. The detached dwelling at the appeal site would be extended to the rear at only about a metre from the boundary while also projecting significantly beyond the rear elevation of the neighbouring dwelling at no. 21. In consequence, the proximity and bulk of the two storey gable ended addition would result in an unpleasant and oppressive sense of enclosure from the adjacent garden. The development would therefore appear overbearing and overly dominant, with the living conditions of the adjacent occupiers being harmed.
 4. As a result there would be conflict with Waverley Borough Local Plan 2002, Policy D4, the aims of which include preventing such detrimental effects. The development would be contrary to the advice in the Council's Residential Extensions Supplementary Planning Document that there should be at least 3 metres between the side elevation of a two storey rear extension and the boundary to reduce any overbearing impact. There would also be conflict with the core principle of the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for existing occupants of buildings.
 5. The Appellant suggests that a precedent for the development has been set by two storey side extensions at 18 and 19 Smithwood Avenue with only 1.2m between them, as would result in this instance. However, this is not indicative
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of a comparable relationship to that which would arise in this case from the additional rearward projection. In any event, I was unable to assess the effect at the back of these other properties at my site visit due to their position and without the full details and background no meaningful comparison can be made with the current proposal. In consequence, I have no reason to believe that the Council's decision making has been unreasonably inconsistent.

6. It is suggested that the proposal is the only option for creating the additional living space that is sought due to constraints such as the presence of protected trees. However, even if this is the case I consider that the proposed accommodation would be achieved at the undue expense of the quality of the environment for adjacent occupiers.
7. Taking account of all other matters raised, there are no considerations sufficient to justify accepting the proposal given the harm that would result and the appeal fails.

M Evans

INSPECTOR