
Appeal Decision

Site visit made on 13 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 13 January 2017

Appeal Ref: APP/Z3635/D/16/3162469

81 Old Charlton Road, Shepperton, Middlesex TW17 8BT

- 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 and Mrs Shaun White against the decision of Spelthorne Borough Council.
 - The application Ref 16/01264/HOU, dated 22 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is erection of part two, part single storey rear extension and creation of pitched roof over existing flat roof of existing two storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of part two, part single storey rear extension and creation of pitched roof over existing flat roof of existing two storey extension at 81 Old Charlton Road, Shepperton, Middlesex TW17 8BT in accordance with the terms of the application, Ref 16/01264/HOU, dated 22 June 2016, 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: 1079-SK01; 1079-SK02; 1079-01; 1079-02; and 1079-03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the commencement of the development hereby permitted, details to demonstrate how the development shall be constructed in accordance with the relevant Environment Agency flood risk standing advice shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) The first floor bathroom window in the southern elevation of the development hereby permitted shall be obscure glazed and shall be fixed shut prior to the use of this room. This window shall be permanently retained as installed.
 - 6) No additional openings shall be formed in the northern or southern elevations of the two storey rear extension hereby permitted.
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Main issue

2. The main issue is the effect on the living conditions of the occupiers of 83 Old Charlton Road with particular regard to sunlight and daylight and outlook.

Reasons

3. The appeal property is a two storey, semi-detached dwelling located within a wider residential area. It comprises a two storey rear extension which creates a side return. The adjoining property, 83 Old Charlton Road, lies to the immediate north of the appeal property. No 83 has glass doors to a habitable room which face down its side return created by a two storey rear extension at No 83. A brick wall of a height of approximately 1.7 metres (m) forms the shared boundary between the side returns of the appeal property and No 83.
4. The level of sunlight and daylight that currently penetrates the glass doors of No 83 is likely to be limited by the close proximity and height of its rear extension, the close proximity and height of the shared boundary wall and the presence and orientation of the rear extension at the appeal property. In addition, any meaningful views out of these doors are likely to be limited by the close proximity and height of the rear extension at No 83 and the close proximity and height of the shared boundary wall. This is likely to limit the outlook from these doors by the occupiers of No 83.
5. The proposal would extend the depth of the existing two storey rear extension, would create a pitched roof over this element and would fill in the side return with a single storey extension.
6. The guidance within the Spelthorne Borough Council Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 (SPD) advises that two storey extensions should not lead to an unacceptable loss of light to the windows of habitable rooms. The SPD advises that this can be achieved by positioning any two storey extension so that a clear area is maintained with a 45 degree horizontal arc from the centre of the window. In addition, such development should not breach a 45 degree vertical arc measured from the same point.
7. The plans indicate that the 45 degree vertical arc would not be breached by the proposed two storey rear extension in respect of the glass doors. The Council appears to accept this. However, both parties agree that the 45 degree horizontal arc would be breached. As such, the proposed two storey rear extension would conflict with the guidance of the SPD.
8. Nevertheless, given that the level of daylight to the glass doors is already likely to be restricted, the modest increase in depth of the rear extension would not result in any material harm in this respect. In addition, the evidence suggests that the habitable room at No 83 is dual aspect and therefore any front facing windows, which would not be affected, would continue to provide a source of daylight into this room. For the same reasons, and given the orientation of the existing rear extension, I do not consider that there would be any material loss of sunlight into this room. In addition, the proposed single storey rear extension, having regard to these factors, would also not result in material harm to sunlight or daylight levels in respect of this room.
9. The proposed single storey rear extension would rise a modest amount above the existing shared boundary wall. The roof of this element of the proposal

would slope away from the shared boundary. Given these factors, combined with the likely limited views from and existing sense of enclosure to the glass doors, I do not consider that this element of the proposal would appear overbearing in views from the room that the glass doors serve. Given the modest proposed increase in depth to the rear extension and its setback from the shared boundary, I do not consider that this would have any adverse cumulative effects in this regard. Moreover, whilst the proposed two storey and single storey extensions would extend beyond the deepest part of No 83, they would not extend significantly beyond this point. Moreover, they would extend along only a modest extent of the rear garden of No 83 and as such, would not appear overbearing in any views from the rear garden or any rear facing windows of No 83.

10. I therefore conclude that the proposal would not result in harm to the living conditions of the occupiers of No 83 in respect of sunlight and daylight and outlook and consequently, it would not have a detrimental effect on their enjoyment of their home.
11. The proposal would therefore comply with Policy EN1- Design of New Development, of the Spelthorne Borough Council Core Strategy and Development Plan Document 2009. This policy requires, amongst other things, development to achieve a satisfactory relationship to adjoining properties avoiding significant harmful effects, including in terms of daylight and sunlight, overbearing effects and outlook. The proposal would also comply with the broad aims and objectives of the National Planning Policy Framework which seek to secure a good standard of amenity for all existing occupiers of land and buildings.

Other matters

12. The appeal site lies within Flood Zone 3a according to the Environment Agency's (EA) flood map. The Council is satisfied that the proposal would not result in any increased flood risk provided that it complies with the EA's flood risk standing advice. On the basis of the evidence before me, I have no substantive reasons to take a different view.

Conditions

13. I have had regard to the conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. A condition relating to materials is necessary in the interests of character and appearance. A condition relating to the EA's standing advice is necessary in the interests of flood risk. A condition to restrict additional openings is necessary in the interests of privacy. I also agree a condition relating to obscure glazing is necessary for the same reason. However, I consider that the submission of details or samples to secure this is unnecessary.

Conclusion

14. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson INSPECTOR