

Appeal Decision

Site visit made on 23 January, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 27th February, 2017

Appeal Ref: APP/Z3825/W/16/3160177

47 Blakes Farm Road, Southwater, RH13 9GH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs M and S Duffield against the decision of Horsham District Council.
 - The application Ref: DC/16/1662 dated 22 July, 2016 was approved on 14 September, 2016 and planning permission was granted subject to conditions.
 - The development permitted is a two-storey side extension.
 - The condition in dispute is No 4 which states that: The proposed additional window to be installed at first floor level to the north-western elevation of the building which would serve bedroom 2 shall at all times be glazed with obscured glass precise details of which, together with details of any opening, shall be submitted to and approved by the local planning authority in writing before installation. The approved glass and any agreed opening details shall be maintained at all times.
 - The reason given for the condition is: To protect the amenities and privacy of the adjoining properties in Blakes Farm Road Horsham and in accordance with Policy 33 of the Horsham District Planning Framework.
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Decision

1. The appeal is allowed and the planning permission Ref: DC/16/1662 for a two-storey side extension at 47 Blakes Farm Road, Southwater, RH13 9GH granted on 14 September, 2016 by Horsham District Council, is varied by deleting condition No 4.

Preliminary Matters

2. The planning permission for the extension included a condition requiring details of obscure glazing and any opening of the additional window to be installed in the room identified on the approved plans as 'Bed 2' to be submitted to and approved by the Council prior to installation. This window is to be positioned in the rear elevation of the extension, which is identified on the approved plans as the north (rear) elevation, notwithstanding that it is apparent from the location plan that the rear elevation faces north-west, as stated in the condition. The Council's statement indicates that the condition is necessary in the interests of the living conditions of nearby residents in the road. The appellants object to the condition on grounds that it is unnecessary and unreasonable, and therefore seek its removal.

Main Issue

3. Taking the background above into account, the main issue is whether the condition is necessary and reasonable having regard to the living conditions of
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the occupiers of nearby properties in Blakes Farm Road, with particular regard to privacy.

Reasons

4. 47 Blakes Farm Road (No 47) is a modern, two-storey detached house, typical of this predominantly residential area. The house is set in a short spur road, just off Blakes Farm Road. There are a number of similar spur roads in the area, giving a non-uniform pattern of development, with most houses having modest, irregular shaped gardens. 29 Blakes Farm Road (No 29) is situated behind No 47, and 27 Blakes Farm Road (No 27) is offset to the side.
5. The permitted extension includes the enlargement of an existing first floor rear bedroom. This bedroom has an existing rear-facing window, which would remain. An additional window would be provided in the rear elevation, a short distance from the existing window, to serve the enlarged bedroom. It is this additional window that is subject to condition No 4.
6. The rear of the extension would be flush with the rear elevation of the main house. The additional window would therefore be positioned essentially the same distance from nearby properties as the existing bedroom window. The separation distance between the rear elevations of No 47 and No 29 is established, and consistent with the general layout of residential development in the area. However, it does allow for mutual overlooking of the rear gardens and rear habitable rooms of both properties. This has been mitigated, in part, by the trees planted in the rear garden of No 29, albeit the effect is limited when the trees are not in leaf and their spread does not provide complete screening.
7. No 47 currently has two bedroom windows facing towards No 29. I accept that one more bedroom window might introduce an increased perception of overlooking. However, particularly given that it would serve an existing, albeit enlarged, room, I consider that this single additional window would not materially alter the relationship between the properties. Therefore, the additional window would not have a significant adverse effect on the level of privacy experienced at No 29.
8. The side elevation of No 27 features one small, obscure glazed window at ground floor level, which is only visible from the rear of No 47 at an oblique angle. Part of the garden area at No 27 is also visible, but the level of overlooking from the additional window would again not be materially different to the existing situation. Therefore, the additional window would not have a significant effect on the level of privacy experienced at No 27. The effect on other nearby properties would also not be significant given that they would be affected less than Nos 29 and 27.
9. Taking these factors into account, I consider that the effect of the additional window, without obscured glazing or any opening restrictions, on existing levels of privacy at nearby properties would not be significant. It is therefore not necessary or reasonable to require the glazing to be obscured or to control the opening of the window.
10. I conclude that the condition is not necessary or reasonable in the interests of the living conditions of the occupiers of nearby properties in Blakes Farm Road, with particular regard to privacy. Without the condition, the development

would not result in unacceptable harm to the amenity of occupiers of nearby properties, including through overlooking, and as such there would be compliance with adopted Policy 33 of the Horsham District Planning Framework 2015.

Other Matters

11. I note the concerns raised principally in relation to loss of light and overshadowing of No 27. However, the principle of the permitted extension is not before me, only the presence or absence of obscured glazing and the opening of the window, as specified by the condition. Accordingly, these concerns do not add materially to the case for or against the appeal.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and that the planning permission should be varied by the deletion of condition No 4.

Catherine Jack

INSPECTOR