
Appeal Decision

Site visit made on 13 March 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: 20th March 2017

Appeal Ref: APP/R3650/D/17/3169202

9 Hale Road, Farnham GU9 9QQ

- 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 R & J Lake & Perriton against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1460, dated 14 July 2016, was refused by notice dated 18 November 2016.
 - The development proposed is a single storey rear extension and first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and first floor rear extension at 9 Hale Road, Farnham GU9 9QQ in accordance with the terms of the application, Ref WA/2016/1460, dated 14 July 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 7434D PL-01 and 7434D PL-02.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.

Preliminary Matters

2. The Council advises that it has issued a Certificate of Lawfulness¹ for a single storey side extension with a depth of 3m from the rear wall of the dwelling. The Council has also determined that Prior Approval² is not required for a 6m deep extension. Planning permission has previously been refused³ for a ground floor and first floor rear extension. The appellants advise that they have subsequently also received Certificates of Lawfulness⁴ for a 6m deep side extension and a single storey rear extension and first floor rear extension.
3. The Council has referred to its emerging Waverley Borough Pre-Submission Local Plan Part 1 2016: Strategic Policies and Sites. However, I have not been provided with any significant details of the emerging plan's progress following publication, or the extent to which there are unresolved objections to relevant policies. The emerging Farnham Neighbourhood Plan has not yet been subject

¹ WA/2016/0212

² DW/2016/0046

³ WA/2015/1382

⁴ WA/2016/2271 and WA/2016/2332

to referendum. Therefore, having regard to Paragraph 216 of the National Planning Policy Framework (the Framework) I have ascribed relevant emerging policies limited weight in my consideration of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring residents, with particular regard to outlook and daylight.

Reasons

5. 9 Hale Road (No 9) is a two-storey semi-detached house situated in an area predominantly comprised of mixed residential properties. There is an existing part single storey, part two storey rear projection, which approximately mirrors the existing rear projection at the attached property, 7 Hale Road (No 7).
6. It is proposed to extend to the rear, and the side towards the common boundary, at ground floor level, with a first floor extension above. The first floor element would not extend to the side towards No 7.
7. No 7 has a ground floor kitchen window facing No 9, a short distance from the common boundary which is marked by a close boarded timber fence. The proposed ground floor extension would be visible from this window, despite the partial set back of the proposal from the boundary. However, the outlook from this window is already limited by the fence and the backdrop of No 9 as existing. While the proposal would add to this to a degree, there is another window serving the kitchen of No 7, facing away from the appeal site. As a result, the outlook from that room would not be excessively restricted. Furthermore, the presence of the opposing window would mean that any modest reduction in daylight received via the window facing the site, as a result of the proximity of the proposal, would not result in an unacceptably under-lit kitchen. Moreover, the single storey extension closest to the boundary, would have a flat roof thus limiting its height, bulk and mass in proximity to No 7.
8. In the rear elevation of No 7 there is a glazed door, apparently serving a ground floor living room or bedroom, and a first floor bedroom window. These windows face approximately north and so will not receive direct sunlight. Daylight is also likely to be restricted to some degree by the existing 'tunnel' of the rear projections at No 7 and No 9.
9. The ground floor extension would abut the common boundary in proximity to the ground floor door at No 7, and it would exceed the height of the boundary wall at this point. This would have a marginal worsening effect in terms of outlook and daylight received at that door. However, I do not consider that this would result in significant harm arising to the living conditions of neighbouring occupiers when taken against the existing situation. Moreover, it is apparent that the appellant has a fallback position arising from national permitted rights in the area closest to the window. While the proposed extension would project further than the identified fallback position, this would be largely in the context of the backdrop of existing two storey built form. The overall effect of the single storey, flat roofed infill extension would therefore not be significant in terms of outlook and daylight.

10. In reaching this position, I have considered that the Council's adopted Residential Extensions Supplementary Planning Guidance 2010 (SPD), which advises that it is preferred that a 1m gap should be retained between the side elevation and the boundary, which would also not be achieved with the fallback extension.
11. The Council is concerned that the first floor extension would break a 45 degree line, as set out in the Council's SPD, taken from the bedroom window at No 7. No plans have been provided to demonstrate this, but on the basis of the application plans it appears likely that this rule of thumb indicator is broken by the existing two storey projections. The additional two storey built form would elongate the tunnel effect of development either side of the bedroom window, but the effect on outlook would be limited as this is already restricted to directly towards the rear garden. The first floor extension would be no closer to the boundary and the bedroom window than the existing projection and while there may be some minor perceptible effect on daylight to that room, compared to the existing situation, this is again unlikely to amount to significant harm to the living conditions experienced at No 7.
12. I therefore conclude that the proposed development would not significantly harm the living conditions of neighbouring residents, with particular regard to outlook and daylight. It would therefore accord with saved Policies D1 and D4 of the Waverley Borough Local Plan 2002, which among other things seek to ensure that development would not result in a material loss of general amenity for neighbouring occupiers, including in relation to natural light and overbearing appearance. It would also accord with Paragraph 17 of the Framework, which among other things seeks a good standard of amenity for all existing and future occupiers.

Other Matters

13. The site lies within the buffer zone of the Thames Basin Heaths Special Protection Area (SPA), a European designation. The proposal would not result in a net increase in dwellings and accordingly the Council considers that it would not be likely to increase pressures on the SPA. There is no significant evidence before me to suggest otherwise, and I see no reason to disagree with this position. Accordingly, I am satisfied that there would be no likely significant effects arising from the development, which therefore would not affect the overall integrity of the SPA.

Conditions

14. In addition to the standard three year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans, as this provides certainty. I have also imposed a condition relating to external materials as this is necessary to ensure the satisfactory appearance of the development.

Conclusion

15. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR