

Appeal Decision

Site visit made on 20 March 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/A3655/D/17/3167256

13 Loxley Close, Byfleet, West Byfleet KT14 7GA

- 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 Sean Burke against the decision of Woking Borough Council.
 - The application, Ref. PLAN/2016/1034, dated 12 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 13 Loxley Close, Byfleet, West Byfleet in accordance with the terms of the application, Ref. PLAN/2016/1034, dated 12 September 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 shall be carried out in accordance with the following approved plans: LC-001 Rev. A; LC-002 Rev. A;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Preliminary Matter

2. As the Notice of Refusal advises, the block plan and floor plan are not to scale. I have therefore made my Decision on the appeal having regard to the remaining drawings and an assessment on my visit.

Main Issue

3. The main issue is the effect of the proposal on the living conditions for existing and future occupiers as regards the adequacy of the rear garden amenity space.

Reasons

4. The Delegation Report on the appeal application refers to the Council's 2008 Supplementary Planning Document (SPD) 'Outlook, Amenity, Privacy & Daylight' and indicates that contrary to this guidance, the area of the remaining rear garden would be significantly less than the extended dwelling's footprint. However, whilst I acknowledge the general validity of the relationship between family accommodation and private amenity area in quantitative terms, particularly in the Council's appraisal of new development layouts, I also
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consider that other factors including a qualitative element should be weighed in the balance.

5. In this case, wooden decking covers the majority of the site of the proposed extension and this additionally extends along one side of the garden and part of its rear boundary. The remaining area is used for the site of a children's playhouse and laid to lawn, with this grassed area suitable for both visual amenity and recreational use. The available space is well organised and in good order with the decking used for a variety of purposes, including sitting out, storage of domestic paraphernalia and the placing of potted plants.
6. As the appellant has already optimised the use of the available area for the household's domestic needs, I consider it reasonable to assume that he will have carefully weighed the pros and cons for the proposal to increase interior accommodation at the expense of exterior amenity space. Bearing this in mind, together with the fact that the remaining garden area will continue to adequately serve the aforementioned variety of purposes, I do not regard adherence to the SPD guidelines to be essential in this case.
7. As regards any future occupiers, they will be able to form their own judgement as to whether the balance between internal living space and external amenity area is appropriate for their own needs before making a decision whether to live in the house.
8. On balance, I therefore consider that any conflict with Policy CS21 of the Woking Core Strategy 2012, the Council's SPD and the core planning principles and Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012 would not be such as to unacceptably harm the living conditions for existing and future occupiers as regards the adequacy of the rear garden amenity space.
9. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with those plans that are correctly scaled is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring matching external materials will maintain visual amenity.
10. I have noted the Council's suggestion of a condition requiring 'a scheme' for the sustainable drainage of surface water. However, as at present with the largely impermeable wooden decking to be replaced by the extension, rainwater will still run off to the garden, albeit at a somewhat faster rate because of the roof slope. A drainage gutter and downpipe connected to an adequate soakaway under the lawn will no doubt be required under the Building Regulations, and I am not convinced of the appropriateness to this case of Policy CS9 of the Core Strategy as this refers to 'significant forms of development'. As worded the suggested condition is unduly onerous.

Martin Andrews

INSPECTOR