



Appeal Decision

Site visit made on 13 June 2017

by K E Down MA (Oxon) MSc MRTPI MRSB

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

Decision date: 28th June 2017

Appeal Ref: APP/A3655/D/17/3170704

50A Inkerman Road, St Johns, Woking, Surrey, GU21 2AQ

- 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 Ramazan Durmas against the decision of Woking Borough Council.
 - The application Ref PLAN/16/1191, dated 5 October 2016, was refused by notice dated 6 January 2017.
 - The development proposed is erection of a roof dormer and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a roof dormer and loft conversion at 50A Inkerman Road, St Johns, Woking, Surrey, GU21 2AQ in accordance with the terms of the application, Ref PLAN/16/1191, dated 5 October 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) Except as set out in condition 4 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 2016/R/01, 2016/R/02, 2016/R/3A and 2016/R/04
 - 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) Notwithstanding the side elevation of the proposed dormer as shown on approved plan ref. 2016/R/02, the dormer hereby permitted shall be constructed as shown in the rear elevation on the same plan and shall not extend above the height of the ridge of the existing dwelling.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed roof dormer on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect on the living conditions of occupiers of 108 Southwood Avenue with respect to privacy and overlooking.
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Reasons

3. The appeal dwelling is a modern, two storey, end of terrace property with a gable end facing Northwood Avenue. The dwelling is understood to be a new dwelling created following the extension and sub-division of 50 Inkerman Road. The appeal dwelling and its neighbours back on to similar terraced dwellings in Southwood Avenue. The area has a mature and well established character with well stocked gardens, including shrubs and small trees. There are other trees, including larger specimens, in the immediately surrounding area, including in highway verges.
4. A significant number of dwellings in the area, including those in Inkerman Road and Southwood Avenue, have been extended through the addition of box dormers similar to the dormer proposed at No 50A. In some cases the dormers are to the front elevation or on both front and rear elevations. Those closest to the appeal property are at 50 Inkerman Road and 106 Southwood Avenue, which lies to the rear of 48 Inkerman Road. The Council's delegated report states that dormers are characteristic of the terraced dwellings in the area and I would agree that they are sufficiently numerous and visible from the public realm to form part of the prevailing character of the area.
5. Although the proposed dormer would be visible from Northwood Avenue it would be set in some 1.7m from the gable end and would not therefore be unduly prominent in the street scene. It would be closer to the party wall with No 50 with the gap between the proposed dormer and the existing dormer at No 50 being some 0.8m. Nevertheless, this would be sufficient to ensure a clear visual separation.
6. The proposed dormer is shown as extending to the ridge of the host dwelling on the rear elevation drawing ref. 2016/R/02 but extending noticeably above the ridge on the drawing showing the side elevation. The majority of dormers in the area extend up to but not above the ridge and the Council draws attention to the fact that the existing dormer at No 50 was permitted as not extending above the ridge. I consider that provided the proposed dormer is also no higher than the ridge of the host dwelling it would not be at odds with other development nearby. Owing to the discrepancy on the plans, a planning condition clarifying that the dormer should finish no higher than the ridge would be necessary for the avoidance of doubt.
7. It is concluded on the main issue that the proposed roof dormer and loft conversion, which would be similar to a number of existing developments in the immediate vicinity, would have no materially detrimental effect on the character or appearance of the host dwelling or on the surrounding area. In consequence there would be no conflict with Policy CS21 of the Woking Core Strategy (CS), 2012, or the National Planning Policy Framework (NPPF) insofar as they seek to ensure that new development is well designed such that it creates buildings which are attractive, with their own distinct identity, whilst respecting and making a positive contribution to the street scene and the character of the area. Although advice in the Supplementary Planning Document "Design" 2015, states in Section 9D "Residential Extensions" that only modest extensions to a roof will be permitted I consider that in view of the number of large dormers nearby the conflict with this advice would not be unacceptable.

8. Turning to the living conditions of neighbours, the proposed dormer would face towards the rear gardens and elevations of dwellings in Southwood Avenue and would lie directly opposite No 108. The distance between the dormer face and the shared rear boundary would be some 12m whilst the separation distance between the dormer and the rear elevation of No 108 would be about 24m. The Council's Supplementary Planning Document "Outlook, Amenity, Privacy and Daylight" 2008 recommends a separation distance of 15m to the boundary and 30m between facing windows for three storey buildings, including dormer windows.
9. The proposed development would fail to meet the suggested separation distances by about 3m and 6m respectively. Views would be possible over both No 108 and other nearby gardens. However, in view of the existing dormer at No 50 and a similar dormer at 106 Southwood Avenue which already allow a similar degree of overlooking I am not convinced by the evidence that overlooking or loss of privacy in either the house or garden of No 108 would be materially worsened by the proposed dormer at No 50A. Therefore, whilst the separation distances set out in the SPD are not met, existing development reduces the merits of adhering to them in this case.
10. It is concluded on the second main issue that the proposed roof dormer would have no materially harmful effect on the living conditions of occupiers of 108 Southwood Avenue with respect to privacy and overlooking. In consequence the proposal would comply with CS Policy CS21 and the NPPF insofar as they seek to secure a good standard of amenity for all existing and future occupiers and avoid significant harmful impact to adjoining properties in terms of loss of privacy or overlooking.
11. In addition to the statutory commencement condition, a condition requiring the development to be carried out in accordance with the approved plans (except as set out in other conditions as reasoned in paragraph 6 above) is necessary, to provide certainty. A condition is also necessary to require matching materials to be used, so as to preserve the character and appearance of the area.
12. The Council and third parties point out that the submitted plans appear to show the existing dormer at No 50 extended in height above the ridge line of the dwelling. It is not clear whether this is intentional or due to a draughting error. Either way, the dormer at No 50 lies outside the appeal boundary and does not form a part of this appeal. In consequence this decision cannot and does not authorise any alterations to it.
13. For the reasons set out above and having regard to all other matters raised, including the representations of third parties, it is concluded that the appeal should be allowed.

KE Down
INSPECTOR