



Appeal Decision

Site visit made on 8 August 2017

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 25 August 2017

Appeal Ref: APP/K3605/D/17/3176923

27 Broadfields, East Molesey, KT8 0BW.

- 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 Ms L Ouchfoun against the decision of Elmbridge Borough Council.
 - The application Ref 2016/4264, dated 24 December 2016, was refused by notice dated 28 March 2017.
 - The development proposed is described as proposed part single storey part double storey rear and side extension, alterations to front porch, external render, proposed loft conversion with rear facing Velux balcony.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the living conditions of the occupiers of number 29 Broadfields in terms of its potential to appear overbearing and, in respect of numbers 25 and 29 Broadfields, to result in overlooking leading to a loss of privacy.

Reasons

3. The appeal property, number 27 Broadfields, is a detached two-storey dwelling house, part of a larger residential area. The appellant proposes a part single and part two-storey rear and side extension, alterations to front porch, conversion of loft including rear facing Velux balcony and applied external render to existing brickwork facades.
4. The Council found the proposed extensions to be of an acceptable design that would not, in respect of the neighbouring properties, have a significantly detrimental impact on either daylight or sunlight.
5. Number 29 has a single storey rear projection adjacent to the boundary to the appeal site. Both the proposed single and two-storey rear extensions would project a little further into the rear garden than that extension. In addition, there is a window at ground floor level and one at first floor level in the flank wall of number 25. However, both are obscure glazed. On balance, given the orientation and relationship of one property to another, I do not consider, from my on site observations and the limited evidence to the contrary, that the

proposed extensions would have the harmful overbearing impact on the occupiers of number 29 envisaged by the Council.

6. The appellant proposes the installation of a Velux balcony in the roof to serve what would be the new second floor. Although relatively small, I believe that the balcony would nevertheless be of sufficient size to accommodate one or two people. This would, in my judgement, be likely to result in both actual and perceived overlooking of the private amenity space of both neighbouring dwellings leading to a loss of privacy for the residential occupiers.
7. I accept that due to the design and layout of the houses there is already some mutual overlooking. However, this would be from first and not second floor windows. The proposed Velux balcony would, in my opinion, serve to exacerbate the current situation so as to cause significant harm to the living conditions of the neighbouring residential occupiers.
8. I have found that the proposed development would not have a significant harmful overbearing impact on the occupants of number 29. However, the introduction of a rear-facing balcony at second floor level would result in overlooking leading to a loss of privacy. I consider this to be an overriding consideration. I therefore conclude that the proposal would be contrary to the objectives of the National Planning Policy Framework and Policy CS17 of the Elmbridge Core Strategy (Adopted July 2011), Policy DM2 of the Elmbridge Local Plan - Development Management Plan (Adopted April 2015), as they relate to the protection of living conditions.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not be allowed.

Philip Willmer

INSPECTOR