

# Appeal Decision

Site visit made on 18 October 2017

**by Martin H Seddon BSc DipTP MPhil MRTPI**

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

**Decision date: 10 November 2017**

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**Appeal Ref: APP/A3655/D/17/3180091**

**7 Westfield Road, Woking GU22 9LZ**

- 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 D Smith against the decision of Woking Borough Council.
  - The application Ref: PLAN/2017/0296 was refused by notice dated 12 May 2017.
  - The development proposed is: Rear first floor extension over family room to form extended bedroom; side first floor extension over garage to extend bedroom and family bathroom.
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## Decision

1. The appeal is dismissed insofar as it relates to the rear first floor extension over family room to form extended bedroom.
2. The appeal is allowed insofar as it relates to the side first floor extension over garage to extend bedroom and family bathroom and planning permission is granted for a side first floor extension over garage to extend bedroom and family bathroom at 7 Westfield Road, Woking GU22 9LZ 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the side first floor extension over the garage: existing plans 0851016-1 Rev.B, proposed plans and elevations 0851016-2 Rev.C and site and location plans 0851016-3 Rev. B.

## Main Issues

3. The main issues are:
  - the effect of the proposal on the living conditions of neighbours in respect of privacy and outlook, and
  - the effect on the living conditions of future occupants of the property in respect of outlook from the proposed rear first floor bedroom window.

## Reasons

### *Effect on the living conditions of neighbours*

4. No.7 Westfield is a modern two storey detached 3 bedroom dwelling with an integral garage. It is located within a row of detached dwellings in a corner position next to the junction of Westfield Road and Westfield Close. Westfield Close is a cul-de-sac that serves a small, but relatively high density, housing development.
5. The Council's reasons for refusal include the potential for overlooking towards No.1 Westfield Close from the proposed first floor window in the rear extension. In addition, that the proposed first floor side extension would be overbearing when viewed from No.5 Westfield Road.
6. The proposed first floor rear extension would result in the new first floor window in the rear gable being just over 2.9 metres closer to the rear boundary of the appeal dwelling than the existing first floor rear windows. This would allow overlooking of a parking and turning area that serves neighbouring dwellings in Westfield Close. There is a fence and evergreen trees along the rear boundary of the appeal site that would provide some screening, although they would not be totally effective because of the relative height of the new first floor window. Although the rear family room was part of the original building, its rear facing window is at a lower level.
7. Paragraph 5.10 of the Council's supplementary planning document: *Outlook, Privacy and Daylight* indicates that, for two storey accommodation a separation distance of approximately 20 metres will be adequate to prevent overlooking of dwellings of a similar or lesser height. The appellant points out that the guidance relates to "*the protection of habitable rooms and intimate areas of outdoor amenity space from being directly overlooked*". Paragraph 5.1 of the Council's guidance advises that new developments should be designed to protect the privacy of both new and existing dwellings. This primarily covers accommodation forming habitable rooms (bedrooms and living areas) although consideration should be given to the most intimate areas closely related to the dwelling (e.g. patio areas).
8. I accept that the proposed rear first floor window would overlook a shared semi-public parking area where natural surveillance is desirable in the interest of crime prevention. Although the parking and manoeuvring area is not amenity space, the adjacent dwellings that the area serves have minimal frontages and are closely spaced. The parking and manoeuvring area is likely to be used frequently by residents gaining access to, and leaving their properties and as such it is closely related to the dwellings.
9. The appellant has submitted an extract from the approved landscaping scheme for the Westfield Close development which indicates a separation distance from the rear elevation of the appeal building of only 14 metres to the nearest corner of the building of No.1 Westfield Close and 18 metres towards the front elevation of an opposing dwelling. Although the 20 metres separation distance is only a guideline, I consider that the increased potential for overlooking from the proposed first floor window towards No.1 Westfield Close would be unacceptable. The proximity of the proposed first floor window would harm the

living conditions of neighbours by increasing the perception of being overlooked, in the confined circumstances of this infill housing layout. This part of the proposal would conflict with policy CS21 of the Woking Core Strategy because it would not achieve a satisfactory relationship to neighbouring properties in respect of privacy.

10. The submitted plans indicate that the proposed first floor window in the rear extension would be top hung with the lower part obscure glazed. Although this would reduce potential overlooking towards properties in Westfield Close it would give rise to other issues, as assessed below at paragraph 13.
11. The proposed first floor side extension would project around 3.4 metres past the rear elevation of No.5 Westfield Road. It would be sited around 1 metre from the boundary with No.5 and would have an eaves height of around 4.4 metres. The extension would be close to the rear patio area of No.5. However, the paved area extends towards the flat roofed rear extension of No.5, providing adequate space for sitting out between the dwelling and the rear garden. There is also a screen fence and vegetation along the boundary between the two dwellings.
12. The Council has raised no issues of loss of light or privacy to the patio area. I see no reason to disagree, in view of the relative orientation of the proposed side extension and No.5 and absence of any windows in the proposed flank elevation of the side extension that would allow overlooking of the patio. I consider that the proposed side extension would not appear overbearing and would not significantly reduce the outlook for neighbours from the rear patio of No.5 or be unduly harmful to their living conditions. This part of the proposal would not conflict with policy CS21 of the Woking Core Strategy.

#### *Effect on the living conditions of occupants*

13. The proposed first floor rear extension would receive light from two roof lights and from the proposed part obscure glazed rear window. Although the amount of light received by the proposed bedroom is likely to be acceptable, the outlook from the only rear window would be restricted. I consider that the living conditions in the room would be oppressive because of the limited outlook. Although the appellant considers that the obscure glazing would be unnecessary, I have found above that the proposed window would allow an unacceptable increased potential for overlooking of neighbours.

#### **Conditions**

14. Conditions are imposed insofar as they relate to the proposed side first floor extension over the garage. In addition to the standard timescale for commencement of development, conditions are included to ensure that the external materials complement those in the existing dwelling and requiring that development be in accordance with the approved plans.

#### **Conclusion**

15. I have taken all other matters raised into account. For the reasons given above I conclude that the appeal should be dismissed in respect of the rear first floor extension over family room to form extended bedroom. It should be allowed

insofar as it relates to the side first floor extension over the garage to extend the bedroom and family bathroom.

*Martin H Seddon*

INSPECTOR