



Appeal Decision

Site visit made on 24 June 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/R3650/W/19/3223698

17 Vicarage Lane, Upper Hale, Farnham GU9 0PF

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Alix Jones against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1706, dated 19 September 2018, was approved on 18 December 2018 and planning permission was granted subject to conditions.
 - The development permitted is the erection of two storey extensions and alterations to elevations.
 - The condition in dispute is No 4 which states that: The first storey window located on the southern elevation shall be glazed with obscure glazing to the extent that intervisibility is excluded to a point of 1.7 metres above the floor of the room that it serves, shall be 'fan light' opening only and shall be retained as such.
 - The reason given for the condition is: In order to protect the residential amenities of the occupiers of adjoining properties and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning permission was granted¹ for two storey extensions and alterations to elevations subject to 4 planning conditions, one of which related to obscurely glazing the proposed first-floor window on the southern elevation of the property to a height 1.7m above floor level. It is proposed that this condition be removed or varied.

Main Issue

3. The main issue is whether the removal or variation of the planning condition would adversely affect the living conditions of occupiers of No 15a Vicarage Lane.

Reasons

4. The site is located on the western side of Vicarage Lane. It comprises a two-storey detached dwelling set within a good-sized plot. The area is predominately residential in character and features properties set at varying distances from the road frontage.
5. An existing first-floor bedroom window faces No 15a. I could see during my site visit that views from this window into the private garden area of the

¹ Council Ref WA/2018/1706

neighbouring property are however minimal given the siting and consequent roof of the dwelling, as well as the presence of fencing. The existing window is also some distance from the boundary.

6. However, No 15a is set at a lower level than the appeal site. The planning permission effectively replaces the existing window in terms of its positioning relative to the neighbouring property, but, importantly, brings the new window closer to the boundary. Despite the photographs and imagery provided, I remain concerned that bringing this elevated window closer to the boundary would afford views over the fence and down into the private garden area to the side and immediate front of No 15a.
7. This area is an otherwise well enclosed private garden given the property is set further back within its plot. An unobscured window would consequently result in an unacceptable degree of overlooking and invasion of privacy, despite there being no additional intrusion in respect of the rear garden or the windows of this property. Obscuring the appeal site window is therefore not a case of removing what is already in place, as it relates to a new window in an extended part of the property. The bedroom concerned would also be served by a window in the northern elevation which provides an alternative outlook.
8. Furthermore, the Waverley Borough Council Residential Extensions Supplementary Planning Document, 2010 (the SPD), advises there should be a distance of at least 18 metres between proposed windows and neighbouring private amenity spaces. I have little evidence to indicate why the character of the immediate area suggests a significantly lesser distance may be appropriate, particularly given the lower level of No 15a.
9. I appreciate the existing window affords a southerly vantage and that by obscurely glazing part of the new window it is likely that only sky will be visible. However, I have insufficient evidence before me to vary the planning condition such that it would result in the new window retaining the current vantage whilst at the same time protecting the living conditions of No 15a.
10. I therefore conclude the removal or variation of the planning condition would adversely affect the living conditions of occupiers of No 15a Vicarage Lane and so would fail to accord with saved Policies D1 and D4 of the Waverley Borough Council Local Plan, 2002, and the SPD. These policies, amongst other things, require development to not result in the loss of privacy enjoyed by neighbours by way of overlooking.

Other Matters

11. A representation had been received concerning the effect of the scheme on the character and appearance of the area as well as a reduction in light, however these are not matters in dispute between the Council and appellant, and I have little evidence to persuade me to reach a different view in these regards.

Conclusion

12. For these reasons, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR