
Appeal Decision

Site visit made on 30 May 2019

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/R3650/D/19/3224362

1 High Copse, Farnham, Surrey GU9 0BL

- 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 Magnus Smith against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1128, dated 12 June 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the erection of a two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension at 1 High Copse, Farnham, Surrey GU9 0BL in accordance with the terms of the application, Ref WA/2018/1128, dated 12 June 2018, 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 hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250, Layout Plan at scale 1:500 and drawings labelled 'Existing Layout' and 'Proposed Layout'.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 2 High Copse and 36 Folly Hill with specific regard to privacy.

Reasons

3. The appeal property is a two-storey, detached dwelling located to one side of a small residential cul-de-sac. It has an L-shaped footprint with its rear elevation facing towards the side boundary of 36 Folly Hill and a side elevation facing towards 2 High Copse. The appeal proposal is to erect a two-storey rear extension that would infill a rear corner and square the building's footprint.
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The extension would provide a new bedroom at first floor level with windows proposed in its rear and side elevations.

4. Part 8.1 of the Council's *Residential Extensions Supplementary Planning Document* (SPD), adopted in October 2010, deals with overlooking. It states that the location of windows (especially to principal habitable rooms) is critical to ensure that overlooking does not occur and therefore reduce neighbours' privacy. As a general rule of thumb, it states that there should be a distance of at least 21m between proposed windows and those of neighbouring properties and 18m between proposed windows and neighbouring private amenity space. It goes on to state that these guidelines may be relaxed if the character of the immediate area suggests that lesser distances may be appropriate and that this will be considered on a site by site basis.
5. The appeal property already has windows at first floor level that look towards both neighbouring properties. There is an existing bedroom window to the side elevation that looks towards the front elevation of 2 High Copse. The proposal would add two new windows to the building on the same plane. One would be a new window to an existing bathroom and the other to the new bedroom. Each would be approximately equivalent distances to the front boundary to No 2 and the dwelling's front elevation as the existing bedroom window. I share the Council's view that the garden space to the front of No 2 is neither private nor the primary amenity space for the residence. The separation distance between the property's front facing windows and the flank wall of the appeal property would fall below the guidelines within the SPD. However, given the existing arrangement between these two properties, there would be no significant change in the relationship between facing windows. In my assessment, the addition of a second bedroom window and a bathroom window on this elevation would not materially add to any increased sense of overlooking beyond the current situation.
6. In relation to 36 Folly Hill, the appeal property has an existing first floor bathroom and first floor landing window looking towards the neighbouring rear garden. These are in a recessed position on the building. The extension would infill this corner of the building and introduce a new bedroom window in lieu of the two existing windows and which would be closer to the side boundary with No 36. The distance between the window and side boundary to No 36 would fall below the Council's normal guidelines. However, the immediate outlook would be down and towards a driveway to the side of the property which, at the time of my visit, was used for parking. Sight beyond that would be into the rear garden of No 36 but it would be restricted by the rear corner of this neighbouring dwelling, which is set at an angle to the appeal property with its rear elevation orientated slightly away from it. The general outlook would be towards the bottom end of an extensive garden to No 36, and not over any area immediately to the rear elevation of the dwelling where space is conventionally expected to be more private. Furthermore, due to the topography of the area, the lower level of No 36 means that any outlook from the new bedroom window would be principally over the neighbouring garden and drawn towards the expansive views beyond.
7. I recognise the importance of protecting the amenity of neighbouring properties. However, in this instance I am satisfied that existing levels of privacy at both adjoining properties would not be significantly reduced. There

would therefore be no conflict with the aims or objectives of the SPD. Neither would there be conflict with Policy TD1 of the Waverley Borough Local Plan Part 1 2018, Policy FNP16 of the Farnham Neighbourhood Plan 2017, or 'saved' Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 insofar as they deal with townscape and design and, amongst other things, safeguarding the privacy of adjoining residents. Neither would there be conflict with the National Planning Policy Framework insofar as it addresses similar issues.

Conditions

8. A condition specifying the relevant drawings is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is necessary to control the external materials that would be used.
9. The Council has suggested a condition that would prevent any further windows or openings being constructed at first floor level or above in either the south west or north west elevations of the building. However, it is these elevations that are at the heart of this appeal and for the reasons given I have found that the window openings proposed would not lead to any impact that would be significantly harmful. I therefore see no need to add a condition restricting any further openings.

Conclusion

10. For the reasons given, in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR