



Appeal Decision

Site visit made on 6 August 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019.

Appeal Ref: APP/Z3635/D/19/3229316
23 Talbot Road, Ashford TW15 3PN

- 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 Arshid Bashir against the decision of Spelthorne Borough Council.
 - The application Ref 19/00329/HOU, dated 7 March 2019, was refused by notice dated 25 April 2019.
 - The development proposed is for a first floor side extension and two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has questioned the position of the bedroom door opening at No 25 Talbot Road in relation to the proposed two storey extension, as depicted on Drawing Number FLU.650.04. However, the Council has not provided any specific measurements of the extent of the inaccuracy. The plan in question does not show the location of the neighbouring door opening, only a 45-degree line taken from what is judged to be this. It is not clear from which part of the opening the line has been drawn from, nevertheless I judged, from my site visit that there is no major discrepancy that would affect my assessment of the proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling at 25 Talbot Road (No 25), having particular regard to matters of outlook and daylight.

Reasons

4. The two-storey rear extension element of the proposal would span across the entire width of the rear elevation of the appeal dwelling and project approximately 3.3 metres from the main back wall. It would be built in close proximity to the neighbouring boundary of the detached bungalow at No 25, the main back wall of which is aligned with that of the appeal property. The extension would be in close proximity to a modest patio area belonging to No.25 and the presence of potted plants, a table and chairs suggested that the area is frequently used by the neighbouring occupiers.

5. Planning permission exists (albeit not implemented) (ref: 18/00688/HOU) for a two-storey extension extending 2.5 metres from the main back wall of the appeal dwelling and having the same proximity to the boundary as the proposal. The appeal proposal would therefore result in an increase in the extension's depth by approximately 0.8 metres.
6. Although in the context of the dwelling, this represents a small overall increase, the effects of this result in an extension of greater mass, height and projection from the main back wall when viewed from the patio and garden of No 25. Together with the proposal's very limited separation from the boundary the overall effect would be an uncomfortable feeling for people using the space alongside of being dominated by the building. These neighbours would, markedly and unreasonably, lose outlook and feel unduly enclosed.
7. The Council's Supplementary Planning Document entitled 'Design of Residential Extensions and New Residential Development 2011' (SPD) requires applicants to demonstrate that proposed extensions have not breached the 45 degree vertical and horizontal guide, and lead to unacceptable loss of light. But the SPD is only a guide and acknowledges at Paragraph 3.6 that 'most development would have some impact on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed'.
8. Although not specifically mentioned in the council's refusal reason, a 45 degree line from No 25's nearest window opening would be technically breached by the two storey element of the proposal, I consider that this does not amount to an excessive projection, such that it would result in an unacceptable loss of light to the bedroom window in question. Equally, for the same reason I do not consider that the patio and garden area would result in a loss of daylight that would harm the neighbouring occupiers. In concluding on this matter, I have given regard to the appellant's Daylight and Sunlight Assessment which found that the amount of daylight lost from habitable rooms and the garden area of No.25, as a result of the appeal proposal, would fall into the negligible category.
9. It is thus concluded that whilst the proposed development would not harm the living conditions of No 25 Talbot Road in respect of daylight, it would have an unacceptable impact on the outlook of its occupiers. And even though the appellant could build the development approved under 18/00688/HOU, the appeal proposal is more harmful than this fallback scheme. Therefore, the proposal would not comply with Policy EN1 of the Core Strategy and Policies Development Plan Document 2009, that amongst other considerations require development to avoid significant harmful impact on neighbouring outlook.
10. For the reasons given I conclude that the appeal should be dismissed.

R E Jones

INSPECTOR