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# Appeal Decision

Site visit made on 12 August 2019

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 September 2019**

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**Appeal Ref: APP/R3650/D/19/3230329**  
**30 Hale Road, Farnham GU9 9QH**

- 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 & Mrs B Cotterill against the decision of Waverley Borough Council.
  - The application Ref WA/2019/0145, dated 17 January 2019, was refused by notice dated 25 March 2019.
  - The development proposed is new two storey side and rear extension to provide annexe accommodation for dependent relative and single storey side extension works.
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## Decision

1. The appeal is allowed and planning permission is granted for new two storey side and rear extension to provide annexe accommodation for dependent relative and single storey side extension works at 30 Hale Road, Farnham GU9 9QH in accordance with the terms of the application, Ref WA/2019/0145, dated 17 January 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - a) Whether the lack of provision for off-street car-parking would cause inconvenience to surrounding residents;
  - b) The effect of the development on the living conditions of the occupants of 28 and 32 Hale Road, with particular regard to outlook and light;
  - c) The effect of the development on the character and appearance of the area; and,
  - d) Whether the development would provide acceptable living conditions for future occupants with regard to outlook.

## Reasons

### *Car-Parking*

3. 30 Hale Road lies at the end of a row of 3 terraced houses, which front a busy road that leads to the town centre, less than a kilometre to the south west. The property has a set of double gates, giving access to a level gravelled area to the side of the house, but there is no dropped kerb. There is no dispute

between the parties that the dwelling, in common with many others in the area, does not have any off-street car-parking. On-street parking is not restricted on either side of the road in the vicinity of the appeal site. At the time of my visit I saw that vehicles were parked along the southern side, but there was ample space for the passage of two-way traffic on the remainder of the carriageway. Although there were a number of parked cars along the road, spaces were available, and I was able to park close to the site without any difficulty.

4. The Council's Parking Guidelines (October 2013) provide advice on the level of car-parking expected for new developments. They recommend that, outside the town centre, 2-bed houses should have a minimum of 2 parking spaces per unit, and houses with 3 or more bedrooms should have 2.5 parking spaces per unit. The submitted plans indicate that the existing property has 2 bedrooms. As there is currently no off-street parking, there is a shortfall of 2 parking spaces when measured against the recommended standard. The addition of 3 bedrooms would result in an additional shortfall of 0.5 spaces. However, the appellant states that recent internal alterations mean that there are already 3 bedrooms, so the proposed additions would not increase the shortfall.
5. Paragraph 4.2 of the Parking Guidelines explains that they were developed partly as a response to concerns about parking provision in some new housing developments, which led to a need for specific guidelines for new residential development in the Borough. Whilst they provide a useful guide in this respect, they are of limited application to the appeal proposal, which is for the extension of an existing dwelling. It is therefore necessary to look beyond the recommended parking standards for new residential development, in order to consider whether the lack of off-street parking, in the particular circumstances of this case, would inconvenience local residents.
6. The proposed accommodation is for a dependant relative. It is therefore unlikely that there would be an appreciable increase in traffic generation whilst the extension was used for this purpose. However, the extension would be permanent, and the occupation of the enlarged dwelling would change over time. Nevertheless, the property is located close to a range of facilities, including a shop, pharmacy and pub. It is within easy walking and cycling distance of the town centre and lies on a bus route. Occupants of the dwelling would not therefore be reliant on private car ownership to access day to day services. Therefore, the enlargement of the dwelling would not lead to an inevitable increase in the demand for on-street car-parking.
7. The site lies on a busy road with unrestricted on-street car-parking. A significant proportion of dwellings in the vicinity do not have off-street car-parking facilities. There are also commercial and community facilities nearby, which may attract casual on-street parking in the locality. Consequently, any increase in the number of vehicle movements associated with the enlarged dwelling would be comparatively small, so would have a very limited impact on the overall traffic and parking conditions that already prevail in the locality.
8. I therefore conclude that the lack of provision for off-street car-parking would not cause inconvenience to surrounding residents. The proposals would accord with Policies ST1 and TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (February 2018) (the Local Plan). These policies seek, amongst other things, to ensure that the character and amenity of the Borough

are protected, and that appropriate provision is made for car parking, having regard to the type of development and its location. The proposals would also accord with the aims of Section 9 of the National Planning Policy Framework (the Framework) to promote sustainable transport.

*Living conditions for occupants of adjacent properties*

9. The proposals involve a 2-storey extension to the side of the house, and a perpendicular 2-storey extension to the rear, which would subsume an existing flat-roofed single storey rear extension. A flat-roofed single-storey extension is also proposed at the rear, which would fill the gap between the proposed 2-storey rear extension and the boundary with 28 Hale Road, the adjoining house to the southwest.
10. Guidance on 2-storey rear extensions is contained in the Council's Residential Extensions Supplementary Planning Document (October 2010) (the SPD). The SPD advises that extensions should not normally extend more than 4 metres in depth, and should be at least 3 metres from the boundary, to reduce any overbearing or visual impact on adjacent properties. The proposed 2-storey rear extension would project 5.1 metres and would be 2.2 metres from the boundary with No 28. In this respect, the proposals would not comply with the SPD guidance.
11. The SPD does indicate, however, that there may be circumstances whereby these restrictions are not necessary, such as where the neighbouring property has an extension close to the boundary. In this case, No 28 has a rear extension a similar distance from the boundary, which is partly 2-storey and projects a similar distance to the proposed 2-storey extension. The main outlook from No 28 is obtained from windows in the rear elevations of the extension, rather than the original rear elevation of the building. Consequently, despite its projection and proximity exceeding the SPD guidance, the proposed extension will have little impact on the outlook of occupants of No 28.
12. The SPD also advises that a 45° rule should be applied when considering 2-storey extensions, to maintain adequate daylight to neighbouring properties. There is a first-floor window in the original rear elevation of No 28, close to the boundary. Part of the proposed extension would breach the 45° line from the closest edge of this window. This guidance must, however, be considered in the context of each individual proposal. In this case, the rear extension would have an eaves height that would be lower than the head of the window concerned, and the end of the extension would also be fully hipped. Consequently, the impact on daylight reaching the window would be reduced. Furthermore, the orientation of the site is such that any loss of sunlight would be confined to the early part of the morning, so despite the breach of the SPD guidance, there would not be a harmful loss of light to this window.
13. The single-storey infill extension would be similar in height to the existing boundary fence and vegetation, therefore there would be no significant loss of light to the side-facing windows in the rear extension of No 28, or the remaining ground floor window in the original rear elevation. I therefore find that there would not be a harmful impact on the living conditions of the occupants of 28 Hale Road through loss of outlook or light.
14. 32 Hale Road is a semi-detached house that lies to the northeast of the appeal site. It is a 2-storey property with similar floor heights to the appeal dwelling.

It has a similar front building line, but it extends further to the rear. The single storey entrance porch on the side elevation does not have any openings facing the appeal site, but there are a range of windows in the side elevation of the main part of the house which face the appeal site. This side elevation has a stepped arrangement, so there are also rear-facing windows in the recesses.

15. The proposed 2-storey side and rear extensions would reduce the gap between the side elevations of the two houses by about 2.5 metres, but they would not extend beyond the front or rear building lines of No 32. As the main windows to habitable rooms in No 32 face to the front and rear, there would not be a significant loss of outlook for occupants. The largest side-facing window, towards the rear of the house, would retain a largely open outlook, beyond the end of the proposed extension. Similarly, the private amenity area to the rear of the house would retain an open outlook to the south. The hipped roof and reduced eaves height of the proposed extension would avoid it appearing overly oppressive from either of these viewpoints.
16. The orientation of the site means that there will be no loss of sunlight to the main windows in the rear part of No 32, or to the rear amenity area, until late in the day. There may be some reduction in light reaching the side-facing window towards the front of the house, but there are larger windows in the front elevation to provide light to this part of the house. The 2 side-facing first-floor windows are both obscure-glazed, so serve non-habitable rooms. In any event, they would continue to receive an acceptable level of light over the roofs of the extensions.
17. I therefore conclude that there would not be a harmful impact on the living conditions of the occupants of 28 or 32 Hale Road through loss of outlook or light. The proposals would therefore comply with Policy TD1 of the Local Plan, Saved Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 (the Saved Local Plan) and Policy FNP16 of the Farnham Neighbourhood Plan (2017) (the Neighbourhood Plan). These policies seek, amongst other things, to ensure that the amenities of occupiers of neighbouring properties are safeguarded. The proposals would also accord with the Framework's aim to create places with a high standard of amenity for existing and future users, as set out in Section 12. The Council's reason for refusal also refers to Neighbourhood Plan Policy FNP1, but I found it to be not relevant to this issue.

#### *Character and appearance*

18. The appeal property is at the end of a terrace of 3 houses, which share a common eaves and ridge line and have traditional design characteristics. The terrace is set back from the road behind a fence and hedge, which encloses a small front garden. This arrangement is a characteristic feature of the street. Although the design and materials of the houses vary, there is a general uniformity in the set back from the road and in the scale of the houses, which are nearly all 2-storey. The houses are either detached, semi-detached or in short terraces, so there are regular gaps in the built frontage. Despite the varying architectural styles, the consistency of scale and layout means that there is a cohesive rhythm to the street scene.
19. The proposed side extension would be designed to harmonise with the existing terrace, using matching materials, appropriate window proportions and a similar roof form. It would therefore appear as a natural continuation of the existing terrace. The extension would be set back from the road and off the

boundary, so a gap between the buildings would be retained to maintain the architectural rhythm of the street.

20. The SPD advises that 2-storey side extensions should normally appear smaller in mass and scale or be subordinate to the main building, so that it can be clearly identified as an addition. To achieve this, the SPD advises that extensions should be set back 0.5 metres from the frontage, and the ridge should be 0.5 metres lower. In this case it is proposed that the extension would be set back 0.4 metres. The submitted drawings show the ridge height to be about 0.25 metres lower on the side elevation, but the same height as the existing ridge on the front and rear elevations. Providing that the development proceeded in accordance with the side elevation drawing, the extension would be set back and set down from the existing building. Although the distances do not accord exactly with the SPD advice, the extension would, nevertheless, be identifiable as an addition, and would have a very similar appearance to the example shown at Fig 7 in the SPD.
21. The rear extension would be visible through the gap between the houses, but only from a relatively short stretch of the road. It would replace an existing single-storey flat-roofed extension which is equally visible. It would, in any event, be of an appropriate design, with a reduced eaves and ridge height to reduce its bulk. I saw that a similar extension, without the lower eaves line, exists at 34 Hale Road, and that it has no adverse impact on the street scene. The house would retain a large rear garden, so the extension would not constitute an overdevelopment of the plot.
22. I therefore conclude that the development would not harm the character and appearance of the area. Consequently, the proposal would comply with Policy TD1 of the Local Plan, Policies D1 and D4 of the Saved Local Plan and Policy FNP1 of the Neighbourhood Plan. These policies seek, amongst other things, to ensure that new development is of high-quality design, that responds to local character and distinctiveness. The Council's reason for refusal refers to Neighbourhood Plan Policy FNP16, but I found Policy FNP1 to be more relevant to this issue. The proposals would also accord with the Framework's aim of achieving well-designed places, as set out in Section 12.

#### *Living conditions for future occupants*

23. The proposed extensions would provide 3 additional bedrooms, one of which would fall below the 7.5 square metres floorspace recommended in the Technical housing standards – nationally described space standard<sup>1</sup>. The other 2 would comfortably exceed that standard and would therefore be suitable for single occupancy. The smallest room would have a window that faces towards the rear extension at 28 Hale Road. In order to maintain the privacy of the occupants of the neighbouring property the window is proposed to be obscure-glazed. There would, therefore, be limited space and outlook for the occupants of the room.
24. The extended house would, however, have 4 other bedrooms, so this room may not always be in use as a bedroom. It could, for example, be used as a store, study, nursery or occasional guest room. Even if it were used primarily as a bedroom, the occupant would have access to the remainder of the house

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<sup>1</sup> <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

and garden for amenity purposes. It is unlikely that anyone would be confined to this room for long periods of time other than when sleeping, when curtains would be drawn and outlook would not, therefore, be expected.

25. So, whilst one of the rooms would be small and would have limited outlook, the house, as a whole, would provide occupants with acceptable living conditions. I therefore conclude that the proposal complies with Policy TD1 of the Local Plan and Policies D1 and D4 of the Saved Local Plan. These policies seek, amongst other things, to maximise the opportunity to improve the quality of life, health and well-being of current and future residents, and to ensure that new development creates environments that meet the needs of users. The proposals would also accord with the Framework's aim to create places with a high standard of amenity for existing and future users, as set out in Section 12. The Council's reason for refusal also referred to the SPD, but my attention has not been drawn to any particular section, and I did not find that it provided any relevant advice on this issue.

### **Other Matters**

26. Concerns have been raised regarding the potential future use of the extension as a separate dwelling. However, the layout as submitted shows an internal link at first floor level which would allow access to the whole house via the proposed lift. Whilst internal alterations could be carried out in the future, the use of the extension as a separate unit of accommodation would require a further grant of planning permission. A planning condition can be imposed to clarify that the accommodation may only be occupied ancillary to the existing dwelling. The potential for the future use of the extended dwelling as a House in Multiple Occupation is not a matter that is before me for consideration.

### **Conditions**

27. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. In order to ensure that the development has an acceptable impact on the character and appearance of the area, I have stipulated that the ridge height of the side extension should comply with the proposed side elevation drawing, and that the external materials shall match the existing building.
28. In order to protect the privacy of the occupants of 28 and 32 Hale Road, a condition is necessary to ensure that obscure glazing is installed, and permanently retained, in the proposed side-facing first floor windows.
29. In view of the largely self-contained nature of the accommodation, a condition is necessary to ensure that the extension is only occupied for purposes ancillary to the residential use of the existing property.

### **Conclusion**

30. For the reasons given above I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DE824/01 REV P2; DE824/02 REV P1; DE824/03 REV P3; DE824/05 REV P3. For the avoidance of doubt, the ridge height of the roof over the side extension shall comply with the details shown on the Proposed Side Elevation on drawing no. DE824/05 REV P3 and not the Proposed Front Elevation or Proposed Rear Elevation.
- 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.
- 4) The extensions hereby permitted shall not be occupied until the windows in the side elevations at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 5) The extensions hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 30 Hale Road.