The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2019

Appeal Ref: APP/K3605/D/19/3236800
40 Heathside, Esher, KT10 9TF

- 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 Roger Barnes against the decision of Elmbridge Borough Council.
- The application Ref 2018/3745, dated 17 December 2018, was refused by notice dated 19 June 2019.
- The development proposed is described as construction of a new two-storey rear extension with rooms in the roof, a first-floor front extension, a single-storey side extension, a single-storey covered area plus internal and external alterations following the demolition of a single-storey side extension and single-storey conservatory at the rear of the house.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the existing neighbouring occupants of No 38 Heathside, with particular regard as to whether or not the proposed two-storey extension would result in loss of light, overshadowing and/or an overbearing relationship.

Reasons

3. The site is located on the western side of Heathside within a residential area. The street is characterised by detached, two-storey dwellings, many of which have been extended and altered. There is some variation between the properties in terms of architectural detailing. There is a woodland area to the rear of the properties on the western side of the road. The site lies within an area designated as being within the Environment Agency flood zones 2 and 3

4. The appeal property is a two-storey detached dwelling. The site is located on a bend in the road resulting in it and the 2 immediate neighbouring properties either side, Nos 38 and 42, having different set-backs and side elevations that are not parallel with each other.

5. The existing conservatory is located on the rear corner of the property close to the side boundary with No 38. This would be demolished, and a two-storey extension would be erected, around 3.9 m deep, extending across the full width of the rear of the property. The eaves and ridge heights would match those of the existing dwelling as would the angles of the roof pitches.

6. One side elevation of the proposed two-storey extension would be sited around 10 m from side windows and a glazed door of an existing single-storey extension at the rear of No 38. In addition, the proposed two-storey extension would extend beyond the rear elevation of the single-storey rear extension a depth similar to that of the existing conservatory. The single-storey rear extension at No 38 forms part of the main living room in the property. I note also that the rear outdoor seating area is located at the side of the extension.

7. I acknowledge that the rear living room extension at No 38 is dual aspect, that there is currently a conservatory located where the proposed two-storey extension would be partially sited and that there is also a small tree on each side of the boundary between the conservatory and the rear of No 38.

8. However, the rear garden of No 38 is bounded by fairly-dense trees, hedges and shrubs, which already restricts the light received within the living room as well as the outlook from it. In addition, the conservatory is a single-storey, glazed, lightweight structure that currently allows some light to filter through and provides some transparency. Furthermore, the small tree on the appellant's side of the boundary would be removed to accommodate the proposed extension. Consequently, the occupants of No 38 would be faced with a two-storey high, dense, brick mass within 10 m of a main habitable room window and close to their rear outdoor seating area.

9. Therefore, due to its siting, height and depth and the proximity to windows/glazed doors serving the main living room of No 38, and the proximity to the outdoor seating area, I consider that the proposed two-storey extension would result in an overbearing relationship with No 38 in respect of the windows/glazed doors discussed and the rear outdoor seating area. I consider this overbearing impact to harm the living conditions of the occupants of number 38 to an unacceptable degree.

10. I note that the appellant has submitted a further light impact assessment as part of their statement. This assessment concludes that whilst there would be a reduction of daylight and sunlight to surrounding properties as a consequence of the proposed development, the reductions are unlikely to be noticeable to the inhabitants of the surrounding properties. I note that representations submitted with the application questioned the accuracy of certain aspects of the officer's appraisal, measurements at the site, and conclusions regarding the extent of light loss. However, given the woodland area to the rear of the properties and the presence of trees within the gardens of surrounding neighbouring properties, No 38, and the appeal site, my observations on site lead me to conclude that any extent of light reduction or overshadowing to No 38 would likely be of a degree that would not harm the living conditions of existing occupants.

11. Notwithstanding my conclusions regarding light and overshadowing, due to the resultant unacceptable overbearing impact of the proposal on No 38, the proposed development would not accord with Policy DM2 of the Elmbridge Local Plan: Development Management Plan (2015), which requires, among other things, development to protect the amenities of adjoining occupiers. Nor would the proposal accord with guidance in the Design and Character Supplementary Planning Document: Home Extensions (2012) which, among other things, seeks to achieve development that preserves the amenities of neighbours.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR