



Appeal Decision

Site visit made on 7 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2020

Appeal Ref: APP/R3650/D/19/3239289

Timbers, New Park Road, Cranleigh GU6 7HN

- 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 Mrs Bowers against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0981, dated 11 June 2019, was refused by notice dated 2 August 2019.
 - The development proposed is single storey extension with rooms in the roofspace and replacement porch.
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Decision

1. The appeal is dismissed.

Procedural matter

2. When I arrived for the site visit, during the appointed time, I went to the front door and knocked. However, there was no reply. I waited a short while, and during this period I viewed the relationship to the adjoining property, Twelvetrees, from the area by the front door. As the main parties will be aware this relationship led to the Council refusing the application.
3. I am satisfied from my visit to this area and from my general inspection of the site from the public domain that I was able to see sufficient of the situation to allow me to determine the appeal. Following the site visit I asked the Case Officer to confirm that the appellant was content for me to determine the appeal on this basis.

Main Issue

4. The main issue is the effect on the living conditions of the occupiers of Twelvetrees in terms of light, outlook and overbearing effect.

Reasons

5. The appeal property is a detached dwelling with a detached garage set to the side and rear. It is in a row of detached dwellings facing New Park Road. However, it is set at an angle to and further from the road than Twelvetrees and thus is slightly to the rear of that property.
6. The boundary between the two properties is currently made up of an approximately 1.8m high close boarded fence with some deciduous vegetation. In the rear elevation of Twelvetrees adjacent to the boundary at ground floor is a set of patio doors and a window above. There is a two storey element to the

rear of this creating a narrow space between this element and the boundary fence in front of these openings.

7. The proposal is to demolish the garage and erect an effectively two storey side extension on the side towards Twelvetreets although with hipped roof from above ground floor level and a dormer. The proposed extension would be approximately 1.0m from the boundary at the closest point although it would 'splay' away. It would be set back from the front elevation of Timbers. The dormer in the front elevation would provide light to an en-suite.
8. The Council has referred to its Residential Extensions Supplementary Planning Document (the SPD). The SPD sets out guidelines which are taken into account in considering the effects on daylight and sunlight and whether the proposal would have an overbearing effect. The SPD is referred to in Policy TD1 of the Local Plan (Part 1) 2018 and is in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 which indicate that development will not be permitted where there is a material loss of light enjoyed by neighbours, and development should not significantly harm the amenities of neighbouring properties by way of loss of daylight or sunlight or overbearing appearance. Consequently, I am able to give the SPD significant weight.
9. The appellant maintains that the patio doors should be considered as a secondary window as the room in question, I am advised a dining room, is also lit from another window. This is because the SPD indicates that if a window is secondary then loss of light will be less important. However, it seems to me that due to the size of the patio doors and their relationship to the garden that these doors are a second window to the room rather than being secondary in rank. Therefore, the effect of the proposal on those within these doors should be given full importance.
10. The Council refers to the SPD and to the 45° 'rule' as explained in the SPD as to whether the proposal would have an unacceptable effect on those within a window. However, it must be remembered that this is a guideline rather than a strict rule and cannot be determinative. The appellant acknowledges that the proposal would breach this line but puts forward other factors in mitigation.
11. Firstly, is vegetation which currently has an effect. However, being deciduous this has less of an effect in the winter when daylight is less intense. Secondly, the appellant indicates that the effect would be greatest in the mornings when the room is allegedly less used. However, there is nothing to say that the room should be only considered as a dining room since the occupier can use it for any appropriate purpose. Thirdly, the appellant considers that the rear element on Twelvetreets creates a greater sense of enclosure. While this element currently creates a narrow space, the area is currently open to the south and east over the site of Timbers, and the two storey element, even with the hipped roof proposed, would materially and harmfully create a sense of overbearing effect by reducing the sense of space around the window, particularly to the east.
12. Fourthly, the appellant indicates that the rear element would breach the guidance in the SPD if allowed today. This may or may not be the case, but the appeal proposal should be considered against current policies, and I do not have full details of the policy situation as to when that proposal was allowed. Fifthly, the appellant considers the window is secondary and of less import; I have dealt with this above. Finally, the appellant notes that the extension at its

highest point is only just within a 12m maximum distance whereby the 45° line is assessed. The hipped roof clearly does reduce the effect.

13. Having visited the site and carefully looked at the relationship of the proposal to, in particular, the patio doors at ground floor, I am of the view that the proposal due to its proximity and bulk would result in a material loss of light and overbearing effect for the occupiers of Twelvetrees. However, due to the existing fence I do not consider that the outlook would be unacceptably harmed further. At first floor there would be sufficient distance to the upper floor of the proposal so that the outlook from this window would also not be unacceptably harmed nor would there be a material loss of light or overbearing effect.
14. Consequently, the proposal would be harmful to the living conditions of the occupiers of Twelvetrees in terms of loss of light and overbearing effect in relation to the ground floor patio doors. As such it would be contrary to Policies D1 and D4 of the Waverley Borough Local Plan 2002 and the SPD as set out above. It would also be contrary to paragraph 127 of the National Planning Policy Framework which states that planning decisions should ensure that developments create places with a high standard of amenity for existing users.

Other matter

15. I have taken into account the personal circumstances of the appellant. However, these are likely to change over time and I therefore give them only limited weight when compared to the planning issues identified above and they are not sufficient to alter my final conclusion.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR