
Appeal Decision

Site visit made on 4 February 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/Q3630/D/19/3236893

4 Queens Road, Egham TW20 9RT

- 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 J Scudder against the decision of Runnymede Borough Council.
 - The application Ref RU.19/1003, dated 5 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is demolition of existing single storey rear addition. Construction of new part two-storey, part single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusal refers to Policy HO9 of the Runnymede Borough Local Plan (Second Alteration April 2001) (the LP). I have not found against this policy in relation to living conditions, as the policy does not refer to outlook or the potential for overbearing effects associated with domestic extensions.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - the living conditions of the occupiers of 3 Queens Road, with particular regard to outlook;
 - the character and appearance of the existing house; and
 - the tree situated within the garden of 5 Queens Road.

Reasons

Living conditions

4. The appeal property is a detached two-storey dwelling situated to the western side of Queens Road between two other detached dwellings. The Council's Supplementary Planning Guidance: Householder Guide (July 2003) (SPG) suggests that, as a guide, two-storey rear extensions should not extend beyond a 45-degree line from the centre of the nearest adjoining neighbour's window. The SPG also suggests that two-storey and first floor side extensions should, in most cases, be designed to leave a gap of at least one metre

between the extension and any boundary. In the case of the appeal, the proposed two-storey extension would break the 45-degree line adjacent to the left-hand first-floor window at the rear of 3 Queens Road and would be closer than one metre to its side boundary.

5. Whilst the above are only guides, the proposal would appear dominant in relation to No 3, as it would incorporate a substantial area of solid wall close to its side boundary. The resultant development would therefore be oppressive and create an enclosing effect when viewed from within the house and its garden. There is a wall and fence present along the side boundary but this would not be sufficient to screen the harmful effects of the proposal.
6. I am mindful that since the refusal of the planning application, the Council has granted permission for an alternative proposal to the rear of the appeal property¹. There is a greater than theoretical possibility of that development taking place, as it is with planning permission and would be likely to be implemented in the event that this appeal failed. I therefore consider this to be a 'fallback' position (the fallback scheme). Nonetheless, as the first floor of the fallback scheme would be set back at the rear, it would not be as substantial as the appeal scheme. It would therefore not affect the living conditions of the occupants of No 3 to the same extent, so would not justify the additional harm associated with the appeal scheme.
7. I also appreciate that the extent to which the appeal scheme would be visible from the rear garden of No 3 would be comparable with the relationship to the rear projection of No 2. However, as the projection is some distance from the first-floor windows of No 3, it would not be comparable in this respect. This would therefore also not provide justification for the harm associated with the appeal scheme.
8. I therefore conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No 3, with particular regard to outlook. Hence, the proposals would not accord with the Council's SPG, which requires that extensions should not significantly harm the outlook of neighbouring properties through being over-dominant.

Character and appearance

9. As I have discussed above, the appeal scheme would significantly extend the appeal property and this would be more substantial than the fallback scheme. Moreover, the depth of the fallback scheme would be reduced at first floor but both schemes would be of a commensurate height, particularly the two-storey element, which would be higher than the existing eaves. However, as both schemes would be for large extensions that would project somewhat beyond the rear and above the eaves of the appeal property, the effect of the scale and depth of the appeal scheme would be no more harmful in this respect than the fallback scheme.
10. In light of the above, I conclude that the proposed development would not have a harmful effect on the character and appearance of the existing house. Hence, the proposal would accord with Policies HO9 and BE2 of the LP and the Council's SPG. Together these policies and guidance require that proposals respect townscape character of recognised high quality by reference to,

¹ Planning Reference: RU.19/1273, granted permission 29 October 2019.

amongst other things, existing buildings and building height and roof treatment. In particular, extensions should be smaller and lower than the original building in order to respect its scale and form.

Trees

11. The side boundary of the garden of 5 Queens Road with the appeal site is marked by a mature laurel tree. This overhangs onto the site, a short distance from the existing single storey rear extension. The proposal would be likely to extend this single-storey part of the property closer to the tree, into its root protection area. However, given the scale and nature of this part of the proposal, it is evidently possible that measures, such as non-invasive foundations, could be employed in its construction to protect the tree and could be controlled by a suitably worded planning condition.
12. With this in mind, I conclude that the proposed development would be unlikely to have a harmful effect on the laurel tree. Hence the proposal would accord with Saved Policy NE14 of the LP, which requires that wherever practical, plans for new developments will be expected to allow for the retention of existing suitable trees. Suitable space should be kept between any trees to be retained and proposed buildings.

Other Matters

13. I appreciate that the proposal would improve the accommodation available to existing occupants of the property, including a shared communal living room, and provide additional accommodation for a further occupant. Furthermore, I acknowledge that the proposals could also facilitate the property reverting to a single-family home in the future, with fewer alterations. I also acknowledge that the Council did not find harm in relation to the living conditions of the occupiers of other properties, particularly in respect of noise and disturbance or overshadowing; and in respect of highway safety, particularly with regard to parking. However, none of the other matters raised alter or outweigh my conclusion on the main issues.

Conclusion

14. While I have not found harm in relation to the character and appearance of the existing house or the tree within the garden of 5 Queens Road, I have identified unacceptable harm to the living conditions of the occupiers of No 3. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR