
Appeal Decision

Site visit made on 19 May 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2020

Appeal Ref: APP/K3605/D/20/3246297

53 Effingham Road, Long Ditton, Surbiton KT6 5LA

- 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 Hill against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2841, dated 8 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is a single storey rear and side extension following demolition of existing rear projection and removal of chimney stack.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear and side extension following demolition of existing rear projection and removal of chimney stack at 53 Effingham Road, Long Ditton, Surbiton KT6 5LA in accordance with the terms of the application, Ref 2019/2841, dated 8 October 2019, subject to the conditions as follows:
 - 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 approved plans Refs 149/PL 01 rev C; PL 02 rev B; PL 03 rev C; PL 04 rev B; PL 05 rev B; PL 06 rev B; PL 07 rev B; PL 08 rev B; PL 09 rev B; PL 10 rev B.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of No 55 Effingham Road, with particular regard to light and outlook.

Reasons

3. The appeal property is a detached house located on Effingham Road. It is proposed to extend the house at ground floor level to the rear. There is a detached dwelling immediately to the south west, 55 Effingham Road. No 55 is a three-storey house with a fairly substantial rear garden. There are glazed doors and surrounding windows to the ground floor of the main rear elevation of No 55, and also two windows to the return elevation of an existing half-width ground floor extension which directly face the appeal property and garden.

Sunlight and daylight

4. The proposed extension would introduce built form close to No 55. The extension would be to the north east of No 55, and through a combination of this orientation, the proximity of the extension, and its height at some 3.75m, it would likely affect sunlight to No 55, although this would likely be limited to the mornings. The proximity and height of the extension would also likely affect daylight to No 55.
5. There is significant boundary planting, including fairly substantial hedging, located at the point of the boundary wall where the proposed extension would be built. The proposed extension would present a solid wall facing the boundary. However, the extension would in places be lower than the existing boundary planting and would be set back slightly from the existing boundary. Due to a combination of this and the substantial nature of the existing boundary planting, it is unlikely that the amount of either sunlight or daylight blocked by the extension would be significantly more than in the existing situation. It is therefore unlikely that the extension would significantly worsen the amount of daylight or sunlight reaching the affected rooms of No 55.
6. The extension would be a permanent feature whereas the hedging could be removed. However, it is clearly a mature and established part the boundary. This is the existing situation. Even if it were removed, it is likely that a fairly substantial boundary treatment of some kind would be retained in order to maintain privacy between Nos 53 and 55. The extension would therefore be unlikely to significantly worsen the amount of daylight or sunlight to No 55 in comparison to any reasonable alternative boundary condition.
7. The proposed extension would be below the lowest part of the fenestration at first floor level. Any effect would therefore be limited to the identified fenestration at ground floor level. All of the fenestration to the two upper floors and to the ground floor on the opposite side of the house would be unaffected by the proposal. The majority of the house would therefore be unaffected. In addition, of the two affected windows to the return elevation, one is obscure glazed and the other appears to be to an ancillary space, mitigating the effect from the proposal on this part of No 55.
8. I acknowledge that the extension would breach the '45 degree rule' to the rear doors, and would potentially also breach the '25 degree rule of thumb' to the windows in the return elevation, as set out in the Design and Character SPD 2012 (SPD). However, these standards must be set in context. The SPD also states at Paragraph 1.15 that each application must be treated on its own merits. The relevant assessment, as set out in Policy DM2 of the Development Management Plan 2015 (DMP), is would adequate living conditions be maintained for the occupiers of affected properties.

Outlook

9. The rear doors and surrounding windows would maintain an uninterrupted view of the extensive and verdant rear garden to No 55. Although the proposed extension would be relatively tall, at some 3.75m, and close to the boundary, any imposition from the extension would be a relatively modest part of the total field of view, particularly as seen in the context of the existing boundary hedge, or to any reasonable alternative boundary condition if the hedge were to be removed. One of the windows in the return elevation is obscure glazed

and the other currently looks out onto the thick and tall hedgerow along the boundary where the extension is proposed, mitigating the effect of the extension on these windows. In addition, the extension would not affect outlook from any of the upper floor windows.

Overall

10. Consequently, the proposal would not likely unacceptably harm the living conditions of the occupiers of No 55 in terms of loss of sunlight or daylight, and would not unacceptably worsen their outlook. The proposal therefore complies with the relevant parts of Policy CS17 of the Elmbridge Core Strategy 2011 (CS) and Policy DM2 of the DMP. Amongst other things, these policies seek to protect the amenity of neighbours in terms of outlook, daylight and sunlight. The proposal also complies with Paragraph 127 of the National Planning Policy Framework, which, amongst other things, seeks a high standard of amenity for existing and future users.
11. Policy CS8 of the CS has been referred to by the Council in the reason for refusal, but this policy does not relate to living conditions, so I have not concluded in relation to this policy.

Conditions

12. I have attached the standard time limit condition, and also a condition specifying the relevant drawings to provide certainty.

Conclusion

13. For the reasons above, I conclude that the appeal be allowed, subject to the identified conditions.

O S Woodward

INSPECTOR