

Appeal Decision

Site visit made on 8 September 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/K3605/D/20/3251488

6 Second Avenue, Walton-on-Thames, Surrey KT12 2HW

- 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 R Ireland against the decision of Elmbridge Borough Council.
 - The application, Ref. 2019/1997, dated 17 July 2019 was refused by notice dated 23 January 2020.
 - The development proposed is ground and first floor rear extensions; front porch extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extensions on the living conditions for the occupiers of No. 4 Second Avenue as regards light and outlook.

Reasons

3. The Council's objection to the appeal proposal is centred on the effect that the appeal proposal would have on the outlook and light of a kitchen in the north eastern flank wall of the neighbouring property. Other aspects of the scheme have been appraised and found to be acceptable having regard to Policy DM2 of the Elmbridge Development Management Plan and the Council's Design and Character SPD 2012.
 4. The kitchen in No. 4 has a single aspect through a clear glazed window towards the flank of No. 6, comprising the 1.8m high wooden boundary fence, the ground floor addition and the two storey side wall of the house. However, because of its proximity and height at close quarters the fence occupies much of this outlook, whilst more upward views are of the upper part of No. 6's single storey extension and the main side wall of the house.
 5. Whilst the outlook from the kitchen window of No. 4 is already constrained, the officer's report explains that the appeal proposal would result in the wall of the two storey extension being 2m from the window. I concur with the Council's view that this increased proximity would exacerbate the existing limitations of the aspect from the kitchen of No. 4. And this would be to an extent that can reasonably be considered as being overbearing and forming an undue sense of enclosure.
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6. As regards light, at the time of my visit the kitchen window had the benefit of direct sunlight. Whilst I acknowledge that because of the existing limited gap between Nos. 4 and 6 this would be for only a short period of the day, it is clear that the further reduction in the distance resulting from the proposed two storey extension will restrict sunlight still further. Inevitably, there will also be some reduction in the daylight currently enjoyed in the kitchen, albeit perhaps less apparent than the loss of light from the increased extent of the shading of the window.
7. The grounds of appeal refer to the kitchen in No. 4 having previously been approved in 1996 as a bathroom with obscure glazing. But irrespective of these changes, which are acknowledged to be outside the scope of enforcement, I consider that it is the existing amenity of the neighbours that merits safeguarding. As regards whether the kitchen is a habitable room, I have no information as to whether it is also used for dining, but in any event a kitchen is invariably one of the most used rooms in a dwelling.
8. I have noted the appellant's reference to a similar development at No. 3 Second Avenue but consider that my Decision in this case should be made having regard to the individual details of both the appeal scheme and its particular context. I acknowledge that the remaining aspects of the proposal are considered by the Council to be compliant with the Council's policy and guidance but nonetheless conclude that the harm caused to the living conditions for the occupiers of No. 4 as regards outlook and light is such that permission should be withheld.
9. As the proposal is partly in conflict with the aforementioned Policy DM2, the principles of the Council's SPD and is contrary to the requirement in paragraph 127(f) of the National Planning Policy Framework 2019 to safeguard the amenity of existing users, I shall dismiss the appeal.

Martin Andrews

INSPECTOR