



Appeal Decision

Site Visit made on 26 November 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2020

Appeal Ref: APP/K3605/D/20/3259634

55 Crutchfield Lane, Walton-on-Thames KT12 2QY

- 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 Norina Mingoia against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1172, dated 19 May 2020, was refused by notice dated 19 August 2020.
 - The development proposed is demolish existing garage, erect a two storey flank extension and a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupants of 57 Crutchfield Lane, with particular regard to light, outlook and the potential to appear overbearing.

Reasons

3. Number 55 (No 55) is a two-storey property positioned south-west of Number 57 (No 57) which is a chalet bungalow. The appeal property is set away from the high boundary fence between Nos 55 and 57 although there is a detached single-storey garage adjacent to the boundary. No 57 has a narrow passage separating its flank wall from the boundary fence.
4. The proposed two-storey side extension would be set in approximately 1 metre from the boundary with No 57. It would extend as far rearwards as the main rear elevation with a single-storey extension continuing beyond by approximately 7.5 metres. The proposed extension would be in close proximity to two windows within the flank wall facing the appeal site. The forwardmost one is indicated to serve a bedroom and the other a living room.
5. There is dispute between the parties about the function of these windows and whether they are the only source of light to these rooms. With regards the bedroom window, the Council states it is the only window serving a bedroom, whilst the appellant indicates that this bedroom has a primary window within the front elevation. I have been provided with no firm evidence to support either of these positions.
6. The evidence indicates that the living room adjoins a conservatory from which it is separated by large double doors. However, due to these internal doors,

these rooms are nonetheless separate rooms. Furthermore, from my observations on site, this window is set some distance back from the original rear elevation of No 57. Even if the room receives natural light through the internal conservatory doors, I cannot be certain that the part of this room furthest from those doors is not reliant on the window within the side elevation for natural light. On this basis, it seems to me that the window within the side elevation would be the primary window serving the living room.

7. These windows face towards the boundary fence, with the bedroom window positioned close to but rearwards from the existing single-storey garage. The replacement garage would be set in from the boundary and slightly shorter in length than the existing. However, it would have the additional first floor extension above although this would be set in further from the boundary. The living room is positioned rearwards of the existing two-storey rear elevation of the appeal property. This window would face towards the single-storey rear extension which would extend above the boundary fence.
8. Due to the additional height and the close proximity of the proposed extension along this boundary and its position to the south-west of No 57, it would be likely to adversely affect light to both these windows. Whilst the existing garage may have some effect on light to the bedroom windows, the proposed development, even though set further off the boundary, would be likely to have a greater impact due to its height.
9. The Council has also determined that the proposed extension would infringe the 45-degree angle test as set out in the Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions 2012 (SPD). This indicates that these windows would experience a significant loss of light. In these circumstances and in the absence of conclusive evidence concerning the use of these rooms and the extent of any reduction in light, I cannot be satisfied that the proposed development would not adversely affect the living conditions of these neighbours.
10. I have had regard to the advice set out in the SPD concerning a minimum separation distance between proposed extensions and boundaries. Whilst the proposal would meet this minimum standard and may be wider than separation distances between other properties, this would not overcome the adverse effects it would have on the light to the windows in the neighbouring property.
11. The additional height of the two-storey extension would reduce outlook from the side windows, in particular from the bedroom window. Its height and proximity would also make it appear overbearing and have an enclosing effect when viewed from this window. The eaves height of the single-storey extension would broadly align with the top of the living room window. However, it would be set back an only partially visible above the existing boundary fence, it would be unlikely to significantly reduce outlook or appear overbearing from this room.
12. Whilst the proposed development would extend some length along the boundary, it would be shorter in length than No 57. With the two-storey element contained at the front and the single-storey element set away from the boundary with a pitched roof, it would not appear unduly enclosing on this neighbouring property.

13. The appellant has indicated that there were a number of conifers along the boundary which would have blocked both light and outlook for No 57. However, I have no further information about these and how they affected this. I have therefore given this very limited weight.
14. My attention has been drawn to a number of recently approved schemes where two-storey developments juxtapose single-storey properties. From my observations, I saw that the extension to 67 Crutchfield Lane is closer in relation to its neighbour. However, it is single-storey along the boundary and the windows within the flank wall of the adjoining property appear to serve a garage and not habitable rooms as in the appeal before me. In the case of 49 and 51 Crutchfield Lane, the gap between the side elevations is significantly greater than that between Nos 55 and 57. In the referred scheme at 37 Sidney Road whilst the separation distance appears similar to the appeal scheme, from the details provided it appears there were no windows serving habitable rooms in the facing side elevations to the proposed development. These schemes are not therefore comparable. In any event, the harm arising from the appeal scheme arises from the relationship of the proposed development with its neighbouring property which must be assessed on its own individual merits which I have done.
15. I conclude that the proposed development would harm the living conditions of occupants of No 57, with particular regard to light, outlook and due to it appearing overbearing. It would therefore conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015. This policy requires new development to be designed to protect the amenity of adjoining occupiers and provide adequate daylight and sunlight. It would also not accord with the guidance set out in the SPD which advises that extensions should be carefully sited so as not to cause a loss of daylight or sunlight to habitable rooms.

Other Matters

16. The appellant has indicated that the proposal would be built to sustainable construction standards and would improve the energy-efficiency of the site. She also considers the proposed scheme would make effective use of land in optimising the potential of the site. In addition, during construction the proposal would make a contribution to economic growth. However, these modest benefits of the scheme do not outweigh the harm that I have identified.
17. Whilst I acknowledge the lack of objections from the adjoining neighbours this in itself does not justify the proposal as I must also consider the effect of the proposed development for future occupants of this property.
18. The appellant has raised a concern that the Council did not act positively in dealing with the planning application. I have noted this point, however, this is a procedural matter and does not affect the merits of the case.

Conclusion

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

Rachael Pipkin

INSPECTOR

