
Appeal Decision

Site visit made on 12 January 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/K3605/D/20/3258609

30 Simmil Road, Claygate, Esher KT10 0RU

- 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 Andy Clifton against the decision of Elmbridge Borough Council.
 - The application Ref 2020/0781, dated 26 March 2020, was refused by notice dated 24 June 2020.
 - The development proposed is a part two/part single storey side/rear extension and alterations to fenestration following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I observed on my site visit that development had commenced on the site. This did not include the proposed single storey rear extension.

Background and Main Issue

3. The evidence before me is such that the Council has approved a very similar development to that proposed as part of this appeal¹ with the only difference being that the approved single storey part of the rear extension would project three metres alongside the common boundary with No 29 Simmil Road, thereby not infringing a 45 degree line drawn from the ground floor neighbouring property patio door windows. In contrast, the appeal proposal includes a single storey rear extension which is positioned immediately alongside the common boundary with No 29 Simmil Road, projecting just less than 4.5 metres from the rear of the house, thereby infringing, in part, a 45 degree line drawn from the neighbouring ground floor glazed patio door windows.
4. I afford the recent planning permission significant weight as a material planning consideration and as a fallback position. As there is already a planning permission in place which would permit the construction of the same two storey side and rear elements of the development, as well as fenestration alterations, I find that these parts of the appeal proposal would be acceptable in planning terms.

¹ Planning permission Ref No 2020/1581

5. In the context of the above, the main issue is therefore the effect of the proposed single storey rear extension on the living conditions of the occupiers of No 29 Simmil Road in respect of outlook and light.

Reasons

Light

6. In approving planning permission for a similar development, albeit projecting 3.0 metres along the common boundary with No 29 Simmil Road, the Council took into account a Daylight and Sunlight Report prepared for the appellant by Point. This was prepared in accordance with BRE guidelines and it concluded that in respect of the neighbouring glazed patio doors there would be a reduction in light of 16.44%. In contrast, and notwithstanding the infringement of the 45 degree line as required by the Elmbridge Design and Character and SPD 2012 (more specifically the Home Extensions Companion Guide) (SPD), the Daylight and Sunlight assessment accompanying this appeal, and prepared by Point using the same BRE guidelines, indicates that there would be a reduction in light to the patio doors of 18.53%.
7. I have no reason to doubt the accuracy of the Daylight and Sunlight Report results in respect of the appeal proposal. I am satisfied that whilst there would be some loss of light to the patio door windows as a result of the proposal, this would not be at a level that would cause significant harm to the occupiers of this neighbouring property. Therefore, the evidence is such that there is justification for overriding the advice in the Home Extensions Companion Guide which states that *'each application is treated on its own merits but experience has shown that if a single storey extension does not project more than 3 metres rearwards; the effect on natural light is minimal. Beyond that distance the extension should be less than an angle of 45° from the edge of the nearest adjoining neighbour's window'*.

Outlook

8. As part of my site visit, I was able to consider the relationship of the proposed single storey rear extension with the glazed patio doors of No 29 Simmil Road. I acknowledge that there is a planning permission in place which would permit a similar flat roofed single storey extension projecting 3.0 metres immediately alongside the common boundary. Even accounting for the boundary fence, this development would undoubtedly be noticeable when viewed from the patio doors and it would have some enclosing impact given the height of the side wall. However, that impact would be softened, and would therefore be acceptable, in so far that the rear extension would taper away from the common boundary beyond the 3.0 metres projection in line with a 45 degree line of sight.
9. In contrast, the appeal proposal would project just less than 4.5 metres along the common boundary and there would be no such tapering or softening impact. Owing to the depth and height of the rear extension, I consider that it would have an unacceptably enclosing and dominating impact when viewed from the patio doors, thereby leading to a significant loss of outlook for occupiers of this dwelling. This harm would be compounded by the fact that there is an existing outrigger to No 29 Simmil Road on the other side of the patio doors: therefore, the effect of the development would be one of creating

an oppressive 'tunnel' type effect in respect of the resultant outlook from the patio doors.

Conclusion

10. I conclude that the single storey rear extension would be acceptable in terms of its effect on light for the occupiers No 29 Simmil Road. I reach this view despite the technical conflict with the SPD. However, significant harm would be caused to the occupiers of this neighbouring property in respect of loss of outlook. In this regard, and when the proposal is considered as a whole, it would fail to accord with the environmental and amenity requirements of policy DM2 of the Elmbridge Local Plan 'Development Management Plan' 2015; policies CS11 and CS17 of the Elmbridge Core Strategy 2011; the SPD and paragraph 127(f) of the National Planning Policy Framework. Consequently, the appeal should be dismissed.

D Hartley

INSPECTOR