
Appeal Decision

Site visit made on 22 February 2021

by J D Westbrook BSc(Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/A3655/D/20/3262358
8 Thurlton Court, WOKING, GU21 4AU.

- 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 Miss Abigail Jo Gee against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0227, dated 12 February 2020, was refused by notice dated 25 September 2020.
 - The development proposed is the construction of a balustrade to form a roof terrace area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed balustrade and roof terrace area on:
 - The character and appearance of Thurlton Court, and
 - The living conditions of the occupiers of adjoining dwellings by way of light, privacy and outlook

Reasons

3. No 8 Thurlton Court is a mid-terraced three-storey house, situated on the western side of the road. The terrace has a staggered building line with the front and rear elevations of Nos 7 and 8 sited some 2 metres behind those of Nos 9 -11, which lie to the north of No 8. Nos 12 and 13 are similarly set forward from the neighbouring dwellings to the south.
4. No 8 has a single-storey rear extension projecting around 3 metres from the rear elevation of the house and extending across the whole width of the plot. The first floor of the dwelling consists of a living room and kitchen area, and the proposed development would involve the erection of a balustrade around the roof of the rear extension with access from the living room. The balustrade would project out the full depth of the rear extension and would appear to be around 4 metres wide. It would stretch from the boundary with the adjoining No 7 to the south, to a point around 1.25 metres in from the boundary with No 9 to the north. Each side balustrade would be 1.8 metres high and would be of opaque glazing. The front balustrade would be 1.2 metres high.

5. Policy CS21 of the Woking Core Strategy (CS) indicates that development should respect and make a positive contribution to the character of the area in which they are situated, paying due respect to matters such as height, scale, and building lines, etc. In addition, they should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.

Character and appearance

6. The appellant notes that there are already examples of balconies above rear extensions at Nos 10-12 Thurlton Court. It would appear that these are unauthorised developments that have become lawful with the passage of time. From my inspection these rear extensions would appear to be slightly shallower than that at the appeal property, and the 'balustrades' are not generally as high as that now proposed at No 8. Nevertheless, as 3 out of the 7 dwellings on this side of the road have roof terrace areas above rear extensions, they appear as 'normalised' features of the rear elevations and are not significantly harmful to its character or appearance. The proposal at No 8 would, to a large extent, continue this theme and, in addition, it would be of a generally superior and neater appearance. In this respect, it would not be harmful to the character and appearance of the area around Thurlton Court, and would not conflict with Policy CS21 of the CS.

Living conditions

7. The Council's Supplementary Planning Document on Outlook, Amenity, Privacy and Daylight (SPD) amplifies Policy CS21, and provides guidance on, amongst other things, 'Privacy through Screening' and achieving suitable daylight to a dwelling. With regard to daylight, the SPD indicates that where two storey extensions are added to the rear of a dwelling they may affect the daylighting of an adjoining dwelling if they project beyond 3 metres of the building elevation, especially if positioned close to a common boundary. Significant loss of daylight will occur if the centre of an affected window lies within a zone measured at 45° in both plan and elevation.
8. In this case, the proposed balustrade above the ground floor extension would effectively create a two-storey extension. It would not appear to project more than 3 metres from the rear elevation. However, the Council contends that the proposed balustrade would infringe the 45° rule with regard to windows in the adjoining No 9, which lies to the north of the appeal property. No specific drawings are presented to confirm this, and from visual inspection the infringement would likely be only very slight, but nevertheless it would appear that the proposal would have some limited adverse impact on daylight received at the rear of No 9, and would, therefore, conflict with guidance in the SPD.
9. With regard to the impact of the proposal on No 7, I note that the rear elevations of the dwellings face south-west. This would mean that the proposed balustrade, by way of the combination of its height, depth, opaque appearance, and siting so close to the boundary, would be likely to have some adverse effect on daylight and sunlight received at the rear of No7, particularly in the late afternoons and early evenings at certain times of the year.
10. Perhaps more significantly, the height, depth and opaque nature of the balustrade along the boundary with No 7 would result in something of an

oppressive and overbearing outlook when viewed from certain of the windows in the rear elevation of that dwelling, and also potentially from the area of garden closest to the house. In terms of both light and outlook, therefore, I find that the proposed balustrade would be harmful to the living conditions of the occupiers of No 7, and that it would conflict with Policy CS21 of the CS in this regard.

11. The Council considers that the height and opaque nature of the side balustrade would be sufficient to prevent overlooking of the adjoining residential properties to any extent materially greater than already exists. I concur with that view and, in this regard, I find that the proposal does not conflict with Policy CS21 of the CS or with guidance on privacy in the SPD.

Conclusion

12. In conclusion, I find that the proposed balustrade would not be harmful to the character and appearance of the area around Thurlton Court, and would not conflict with Policy CS21 of the CS in this respect. Similarly, I find that the proposal would not be harmful to the living conditions of the occupiers of neighbouring dwellings by way of privacy, but that it would be harmful in terms of both an adverse impact on light received at the rear of the adjoining properties and also by creating a somewhat oppressive and overbearing outlook for the occupiers of No 7 Thurlton Court. With regard to the issues of light and outlook, therefore, it would conflict with Policy CS21 and with guidance in the Council's SPD. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR