



Appeal Decision

Site visit made on 22 March 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/D3640/D/20/3262855

53 Windsor Road, Chobham, Woking GU24 8LD

- 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 Andrea Franklin against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0665/FFU, dated 17 April 2020, was refused by notice dated 14 October 2020.
 - The development proposed is erection of 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 proposal on the living conditions of the occupants of Nos 51 and 55 Windsor Road.

Reasons

3. The building on the appeal site is a bungalow with a 'T' shaped footprint. The existing projection to the rear is centrally located on the rear elevation of the building and has a pitched roof. In proportion with the front section of the building, the projection is deep, comparable with the depth of No 55, and projecting substantially beyond No 51. The proposal would introduce an extension to the rear that would be wider than the existing pitched roof element. It would have a flat roof but due to the proposed width, the extension would be located closer to the shared side boundaries than the existing central wing.
4. No 55 has a staggered footprint which steps away from the shared boundary. Although it has many windows and glazed doors within the stepped rear façade, due to the staggered footprint, the openings would be located progressively further away from the proposed extension. In addition, the location of the openings and size and extent of the neighbouring garden would ensure that outlook from these openings would not be materially affected by the proposal. Moreover, due to the existing depth of No 55, the proposed extension would not project substantially beyond the rearmost element of this building. A generous distance between the neighbour and the proposed extension would also remain and accordingly, I am satisfied that the proposal would not represent an unneighbourly or overbearing addition when viewed from No 55. It would therefore not harm the living conditions for the existing occupants of this property.

5. In contrast, No 51 has a more contained footprint. Accordingly, the central wing of the appeal site projects substantially beyond the rear elevation of this neighbouring property. The proposal would increase this projection and would also bring the built form demonstrably closer to the shared boundary. As a consequence, the resultant size and depth of the appeal building would have an enclosing and oppressive effect when viewed from No 51. It would therefore become a visually dominant and overbearing structure that would be substantially harmful to outlook. I note the reference to permitted development rights. However, these rights also bring with them the ability to consider living conditions. As a consequence, although this proposal seeks planning permission, I am satisfied that permitted development would not provide an automatic fallback position for a proposal of a comparable scale.
6. Due to the orientation of the appeal site, the proposal would not harm sunlight received by No 51. I also accept that there is no right to a view, and in this regard, I note the appellant's comment in relation to the need or otherwise for a visual impact assessment. However, outlook is materially different to a 'view', and whether or not something has an overbearing or oppressive effect on a neighbouring property is a different consideration to whether it restricts views across land. Outlook is a fundamental material consideration when assessing living conditions and for the reasons identified above, I am satisfied that the proposal would have a substantially harmful and visually dominant effect when viewed from No 51.
7. Accordingly, although the proposal would not harm No 55, I conclude that it would harm the living conditions for the occupants of No 51. It would therefore fail to accord with Policy DM9 of the Core Strategy and Development Management Policies 2011 – 2028 (2012) which requires development to respect the amenities of occupiers of neighbouring property.

Conclusion

8. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR