



Appeal Decision

Site visit made on 17 May 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021.

Appeal Ref: APP/R3650/D/20/3254572

27 Abbots Ride, Farnham GU9 8HZ

- 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 Ben Mustart and Miss Sarah Pearce against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1040, dated 6 June 2019, was refused by notice dated 7 May 2020.
 - The development proposed is a ground floor extension, first floor extension over, external/internal alterations and dormer/skylight windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council refused the application on the grounds that the proposed extensions would be overbearing, and cause a material loss of light, to the occupiers of 29 Abbots Ride. However, the occupiers of No 25 have also objected to the application, on grounds including that the proposal would result in unacceptable overshadowing, loss of light, and overlooking. I therefore need to consider the potential impact on the occupiers of both adjacent dwellings. As a result, the main issue in this appeal is the effect of the proposed development on the living conditions of occupiers of adjoining residential properties, with particular regard to whether the development would be overbearing, result in material loss of light, or cause overlooking.

Reasons

Impact on occupiers of 25 Abbots Ride

3. No 25 is set slightly further back from the road than the appeal property and is at a lower level. It has a bedroom window in its side elevation, at first floor level, that currently faces the roof of No 27, at a distance of only a few metres. This roof slopes away from No 25, thereby reducing its impact when seen from the affected bedroom window.
4. The Council has considered the proposal against what it describes in its delegated report as the 45 degree rule (from the Residential Extensions Supplementary Planning Document 2010), and concluded that the proposed cat-slide roof on the front of the extension, which would be seen at 45 degrees from No 25's window, avoids any unacceptable impact on the occupiers of No

25. However, overly concentrating on the impact of proposed structures at 45 degrees risks downplaying the impact of the proposed new built form directly in front of No 25's bedroom window.
5. The existing wall opposite No 25's bedroom window would be raised significantly, so as to allow the construction of the proposed master bedroom and en suite. The occupiers of No 25, when using their affected bedroom, would look straight towards a part rendered and part tile-hung wall, at only a few metres distance. This would appear as unacceptably overbearing. Whilst the loss of a private view is not a material consideration that I can take into account, a proposal appearing unacceptably overbearing is.
 6. I agree with the Council that, because of the orientation of the dwellings, the proposal would not result in a material reduction in sunlight, and I do not consider that the proposal would unacceptably restrict the daylight entering No 25's bedroom window, or unacceptably overshadow No 25's rear garden. I am also satisfied that the proposed high level windows and skylights would be set sufficiently high above their respective floor levels as to prevent any overlooking of No 25. However, these conclusions do not outweigh my concern that the proposed development would appear unacceptably overbearing when seen from No 25's north-east facing bedroom.

Impact on occupiers of 29 Abbots Ride

7. No 29 Abbots Ride is set at approximately the same height as the appeal property and is set further forward on its plot. As a result, the proposed first floor extension to the rear of No 27 would be level with a patio / sitting out area to the rear of No 29. The two properties are currently separated by a high fence, although parts of No 27's walls and roof must already be visible from No 29's patio.
8. The proposal would raise the height of the wall facing No 29. This would result in some small loss of sunlight to No 29's patio, but I am not convinced that this would be so significant as to be unacceptable. In addition, the side wall of No 27 would be more visible from No 29's patio area, at certain times of the day/year. However, the fence separating the two properties would still be the dominant feature when looking from the affected patio towards the appeal site. Some additional built form would be visible above that, but not to the extent that it would be unacceptably dominant or overbearing.

Other Matters

9. The appellants have stated in their grounds of appeal that that they are also appealing the Council's decision on the grounds that it has failed to adhere to the required timings, by taking nearly a year to determine the planning application. Any complaints about the planning application process are a matter between the appellants and the Council. Whilst such delay is regrettable, it is not a factor that can influence my decision on this appeal.

Conclusions

10. I have concluded that the proposed development would have an unacceptable effect on the living conditions of the occupiers of 25 Abbots Ride. This outweighs the lack of unacceptable harm that I have concluded would result to the living conditions of the occupiers of No 29. I therefore conclude that the proposal would have an unacceptable effect on the living conditions of

occupiers of an adjoining residential property, contrary to Policy FNP16 of the Farnham Neighbourhood Plan 2017, and saved Policies D1 and D4 of the Waverley Borough Council Local Plan 2002. These policies require the privacy, daylight, sunlight and outlook of adjoining residents to be safeguarded, and for development not to significantly harm the amenities of occupiers of neighbouring properties, by reason of factors including overbearing appearance.

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR