



Appeal Decision

Site Visit made on 31 August 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/A3655/D/21/3277855

8 Thurlton Court, Horsell, 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 Ms Abigail Gee against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0456, dated 21 April 2021, was refused by notice dated 25 June 2021.
 - The development proposed is described as construct a new balcony over the existing single storey extension with a low level glazed balustrade with stainless steel handrail. The new balcony will be offset to one side and chamfered so as to avoid the neighbouring site line. The glazing will be obscured so as to allow for privacy, but allow for light to freely pass through.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new balcony over the existing single storey extension with a low level glazed balustrade with stainless steel handrail at 8 Thurlton Court, Horsell, GU21 4AU, in accordance with the terms of the application, Ref PLAN/2021/0456, dated 21 April 2021, subject to the conditions below:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. Prior to the commencement of the development hereby permitted, details of the external finishes of the approved development, including details of appropriate obscured glazing to the sides of the balustrade, shall be submitted to and agreed by, in writing, the local planning authority. The development shall be undertaken using the approved materials and finishes which shall thereafter be retained.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: M0061-01 Location Plan, M0061-02 Block Plan, M0061-03 Existing Ground Floor Plan, M0061-04 Existing First Floor Plan, M0061-05 Existing Second Floor Plan, M0061-06 Existing Elevations, M0061-07 Proposed First Floor Plan, M0061-08 Proposed Second Floor Plan, M0061-09 Proposed Elevations, M0061-10 Existing Roof Plan, M0061-11 Proposed Roof Plan and M0061-12 Existing and Proposed Site Plans.

Procedural Matters

2. The description of the proposed development in the banner heading above is taken from the application form. However, I have used a more concise description omitting superfluous details of the development in my decision. A revised National Planning Policy Framework was published on 20 July 2021. I have determined this appeal with regard to the revised Framework.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Nos 7 and 9 Thurlton Court, with particular regard to privacy.

Reasons

4. The appeal property is one of a terrace of 3-storey houses in a staggered layout, with Nos 7 and 8 Thurlton Court set further back from Nos 9, 10 and 11 to the north-west, which in turn are set back from Nos 12 and 13. The rear elevations of these properties have large windows to the first and second floor accommodation.
5. The appeal property has a single-storey rear extension with a flat roof projecting approximately 3 m from the rear elevation of the house and extending across the whole width of the plot. The proposed balustrade would be of obscured but translucent glazing 1.1 m high, inset from the common boundaries with Nos 7 and 9 with a chamfer in the southern corner in line with a 45° angle from the centreline of the nearest first floor window in No 7.
6. In these respects the proposal differs significantly from that the subject of a previous appeal for an opaque glass balustrade 1.8 m high to the sides extending from the boundary with No 7 to approximately 1.25 m in from the boundary with No 9¹. That appeal was dismissed, the Inspector finding harm to the living conditions of the occupiers of No 9 from the loss of daylight and to those of the occupiers of No 7 from the loss of daylight, sunlight and outlook.
7. The low height of the proposed balustrade would allow angled views from the balcony to the rear gardens of Nos 7 and 9, including the areas immediately outside the rear doors of these properties, often used for sitting out, and into the nearest windows of their first floor rooms. However, these views would be restricted by the inseting of the balustrade from the boundaries with these neighbouring properties, particularly from that with No 7, and by the staggered relationship of No 9 to No 8. Although occupiers of No 8 using the proposed balcony would be at the same level as the first floor windows of Nos 7 and 9, the views into these windows would be oblique. The loss of privacy would therefore be limited.
8. Furthermore, these rear gardens are already extensively overlooked from the first and second floor windows of Nos 8 and, for No 9, from windows and an existing roof terrace to the rear of No 10. The limited additional overlooking from the proposed balcony would not be materially greater than already exists or, in a terrace with extensive glazing in the rear elevations, could be reasonably expected. There are also views from the rear gardens of these properties into the first floor windows of neighbouring dwellings.
9. I therefore conclude that the proposed development would not lead to a significantly harmful increase in overlooking and consequent loss of privacy for the occupiers of Nos 7 and Nos 9. Accordingly, in this respect, I find no conflict with Policy CS21 of the Woking Core Strategy (2012) which sets out, amongst other things, that development should avoid a significant harmful impact in terms of loss of privacy. Nor would it conflict with the Council's Outlook,

¹ APP/A3655/D/21/3262358

Amenity, Privacy and Daylight Supplementary Planning Document (2008) which amplifies Policy CS21.

Conditions

10. In addition to the standard time limit for commencement, the Council has suggested additional conditions were planning permission to be granted. I have assessed these against the tests in paragraph 56 of the Framework.
11. I have combined the Council's two suggested materials conditions into one and added implementation and retention clauses for concision and precision. I have imposed this condition in the interests of the character and appearance of the area and the living conditions of the occupiers of neighbouring properties. The condition needs to be pre-commencement to ensure that the development is undertaken in a satisfactory matter. The appellant has confirmed agreement of the condition². A condition requiring compliance with the approved plans is necessary in the interests of certainty.

Conclusion

12. I have found above that the proposed development would be compliant with the policies of the adopted development plan. There are no other considerations that indicate that a decision should be made other than in accordance with these policies.
13. For this reason the appeal is allowed and planning permission is granted.

Martin Small

INSPECTOR

² Email dated 18 September 2021