



Appeal Decision

Site visit made on 14 October 2021

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/K3605/D/21/3278820

Baslow, Portsmouth Road, Thames Ditton KT7 0SY

- 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 and Mrs Oliver and Charlotte Keech against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0983, dated 16 March 2021, was refused by notice dated 10 May 2021.
 - The development proposed is the erection of a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect the development would have on the living conditions of the occupiers of Lyndale, with particular reference to outlook and light.

Reasons

3. Baslow is a semi-detached property with an outrigger to the rear which is replicated in a handed form on the neighbouring property, Lyndale. The proposed single storey extension would be sited on the shared boundary and infill the area up to the outrigger.
4. The Council's Design and Character Supplementary Planning Document (SPD) Companion Guide : Home Extensions, April 2012 indicates *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.* At 5.1m the proposed extension would breach both of these guidelines.
5. Given the presence of the existing two storey outriggers, and that Lyndale's outrigger is to the southwest there is undoubtedly already restrictions on light to Lyndale's rear ground floor rooms. At the time of my site visit a shadow was cast over the rear windows and lights were being used inside the property. In my opinion, therefore, any additional loss of light from the proposed extension is unlikely to be significant compared to the existing situation. However, the introduction of a projection to the other side of the windows would have a noticeable enclosing impact. Whilst the eaves height of the proposed extension would only be approximately 0.5m above the height of permitted boundary treatments, both semis currently benefit from the space between the

- outriggers and lower boundary treatment for light and outlook. There are also windows/doors in the side elevation of Lyndale's outrigger which would have an outlook on to the extension.
6. Due to the depth and proximity of the extension the effect of the development would be one of creating an oppressive 'tunnel' type effect. In my view, this would have a material adverse impact on the amenities of the occupiers of Lyndale in respect of the resultant outlook.
 7. The appellant does not appear to suggest that the extension would not impact on outlook, rather that the extension would be permitted development if it was off set from the shared boundary. And indicates that this alternative siting would be implemented as a fallback.
 8. Permitted development rights which allow for extensions up to 6m deep require prior approval. Whilst not seeking to prejudge such an application, I accept, as suggested by the appellant, there is unlikely to be a need for an assessment of the impact of the proposed development on amenity as the neighbour supports the scheme. However, it is also noted that the Council has previously raised questions in relation to alterations to the property and some permitted development criteria relate to the original dwellinghouse. Consideration as to whether the development would meet all of the conditions of Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 is not a matter before me. I am therefore unable to give the potential fallback weight.
 9. I acknowledge that the neighbour intends to undertake a similar development off the shared wall at a later date, which would create co-joined extensions. Nevertheless, such development is not guaranteed and there would be adverse impacts on the amenities of the occupiers of Lyndale in the interim.
 10. Therefore, whilst the proposed design and materials of the proposed extension would be in keeping with the host property, and the proposal would not be visible from public domain it would have an unacceptable material impact on the living conditions of the occupiers of Lyndale in terms of outlook.
 11. The proposal would thereby conflict with policy DM2 of the Elmbridge Development Plan 2015 which requires development proposals to protect the amenity of adjoining and potential occupiers and users and offer appropriate outlook. There is also conflict with the SPD which has the same aims and with the general provisions of the National Planning Policy Framework which promote a high standard of amenity.
 12. For the reasons set out above and having regard to all matters raised the appeal is dismissed.

G Ellis

INSPECTOR

