The Planning Inspectorate

Appeal Decision

Site Visit made on 18 October 2021 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/A3655/D/21/3277135
128 Robin Hood Road, Knaphill, Woking, GU21 2LS

- 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 Steve Timms against the decision of Woking Borough Council.
- The application Ref PLAN/2021/0119, dated 27 January 2021, was refused by notice dated 31 March 2021.
- The development proposed is erection of a two-storey side extension and single storey rear extension.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 130 Robin Hood Road with regard to outlook, light and privacy.

Reasons for the Recommendation

5. The neighbouring property 130 Robin Hood Road (No. 130) is located to the north west of the appeal property. A driveway, single storey garage and gate to access the back of the appeal property currently separates the built form of the appeal property from the boundary fence with No. 130. There are windows at first floor on the north west side of the appeal property from which views of the neighbouring property and garden would be possible. No.130 also has a large

picture window in the kitchen on the ground floor which looks directly on to the appeal property.

6. The proposed two storey side extension features a number of windows at the side of the property facing No. 130 whilst these proposed windows would be located closer to the boundary, given the existing intervisbility between properties and that conditions could be imposed to require obscure glazing, there would be no significant loss of privacy. As such there would be no material harm from overlooking.

7. However, the proposed extension would substantially increase the scale of built form within close proximity to the boundary with No 130. The additional scale would be considerably greater than the existing garage and from the neighbouring property, in particular the kitchen and patio area, the outlook would be dominated by the proposed extension. Although I acknowledge the proposed 1.036 metre separation between the flank elevation of the extension and the boundary, the scale and proximity of the development would nevertheless have an oppressive impact that would cause unacceptable harm to the outlook of the occupants of No. 130.

8. With regard to the impact the proposed development would have on the amount of light received by occupants of No. 130, the Council's Outlook, Amenity, Privacy & Daylight Supplementary Planning Document (SPD) (July 2008) advises on the tests to ensure daylight is safeguarded. In this case, the proposed development would fail the 25 degree test in relation to the kitchen window of No. 130 and the 45 degree test in both plan and elevation form in relation to the ground floor dining room rear facing patio doors. Whilst I recognise that the Building Research Establishment (BRE) recommendations are not mandatory, as a result of the height of the proposed extension, the proximity to the boundary and its location roughly to the south/south east of No. 130, the proposed extension would significantly and unacceptably reduce the amount of light reaching the kitchen window and patio doors.

9. Overall, I conclude that the proposed extension would have a detrimental effect on the outlook and light levels of No 130, which would be harmful to the living conditions of occupiers of this property. The proposed development would therefore be contrary to Policy CS21 of the Woking Core Strategy (October 2012) and the National Planning Policy Framework. Policy CS21 seeks, amongst other things, to ensure developments achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.

10. The proposal is also contrary to the Outlook, Amenity, Privacy & Daylight SPD (July 2018) as it fails the tests in the SPD to ensure daylight and outlook is safeguarded for the neighbouring property. The proposed development is also contrary to the Woking Design SPD (February 2015) which advises that development should not compromise neighbour amenity and large two storey extensions should not be sited close to a boundary where it restricts daylight to habitable rooms of a neighbouring dwelling.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR