



Appeal Decision

Site visit made on 24 November 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 NOVEMBER 2021

Appeal Ref: APP/K3605/D/21/3279172

7 Tower Grove, Weybridge KT13 9LX

- 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 Ben and Caroline Hedges against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0399, dated 4 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is first-floor rear extension incorporating rear Juliet balconies, rear dormer windows, new side window and side roof lights.
-

Decision

1. The appeal is allowed, and planning permission is granted for first-floor rear extension incorporating rear Juliet balconies, rear dormer windows, new side window and side roof lights at 7 Tower Grove, Weybridge KT13 9LX in accordance with the terms of the application, Ref 2021/0399, dated 4 February 2021, subject to the following conditions
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans. FLU.544.5.01 Rev F, FLU.544.5.04 Rev E, FLU.544.5.05 Rev D, FLU.544.5.06 Rev F
 - 4) Prior to the first occupation of the development hereby permitted the first-floor windows and roof lights on the side elevations of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to light and whether there is an overbearing effect to 9 Tower Grove.

Reasons

3. The main rear elevations of properties are staggered in this location. At the appeal site, the existing relationship between no. 7 and 9 includes a two-storey side elevation at no 7 which faces part of the garden at no 9. There are main windows to No 9 at rear ground and first floor, and this property is located to the southeast of the appeal site.
4. Guidance in the Design and Character Supplementary Planning Document Companion Guide: Home Extensions April 2012 (the SPD) states that in situations such as this, an extension should be less than an angle of 45 degrees from the edge of the nearest adjoining neighbour's window. The proposed extension would result in a very minimal breach of a 45 degree line drawn from the edge of the windows at No. 9. It is put to me that this relates to the roof overhang only.
5. Nevertheless, taking into account the orientation, existing relationship at this site, and the minimal extent of this breach, the proposed extension would not have a harmful effect on light to the windows at No 9. Nor, for the same reasons would it be unacceptably overbearing.
6. Consequently, the proposed development would be in accordance with Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 which requires that development should protect the amenity of adjoining occupiers including in terms of daylight and sunlight, amongst other things.

Conditions

7. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
8. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in materials to match the existing property would be necessary to preserve the character and appearance of the area. A condition requiring obscure glazing to side windows is also attached to protect the living conditions of nearby occupiers.

Conclusion

9. The proposal would be in accordance with the development plan and there are no other considerations, including the minimal conflict with the SPD, that indicate that this appeal should be determined otherwise. Therefore, for the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

H Miles

INSPECTOR