



Appeal Decision

Site visit made on 17 November 2021

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2021

Appeal Ref: APP/G2245/D/21/3279485 18 Woodfields, Chipstead TN13 2RA

- 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 Loder against the decision of Sevenoaks District Council.
 - The application Ref 21/00613/HOUSE, dated 26 February 2021, was refused by notice dated 30 April 2021.
 - The development proposed is described on the planning application form as 'front porch and internal refurbishment'.
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Decision

1. The appeal is allowed and planning permission is granted for a front porch, two storey rear/side extension, alterations to fenestration, new finishes to external walls and internal refurbishment, at 18 Woodfields, Chipstead TN13 2RA, in accordance with the terms of the application, Ref 21/00613/HOUSE, dated 26 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 development hereby permitted shall be carried out in accordance with the following approved plans: SP-1304-21-Block Plan, 01_Elevations, 00_Plans and Site Location Plan.
 - 3) The development hereby permitted shall be constructed entirely of the external facing materials illustrated on the approved plan showing the proposed elevations: 01_Elevations.
 - 4) The first floor window in the east elevation of the property shall be fixed shut and obscure glazed at all times unless above 1.7m in height as measured from the internal floor level and shall be maintained as such thereafter.

Preliminary matters

2. The description of the proposed development on the application form makes no reference to the two storey rear/side extension, alterations to fenestration and new finishes to external walls. The same description of development, which includes these matters, is given on both the Council's decision notice and the appeal form. I have therefore used this description in the decision above.

3. The applicant and appellant on the respective forms are simply stated as 'Loder'. However, the statement on behalf of the appellant indicates that the appeal is made by Mr and Mrs Loder and I have followed this in the above heading.

Main issue

4. The main issue in this appeal is the effect on the living conditions of the occupiers of the neighbouring dwelling at 17 Woodfields, with regard to outlook.

Reasons

5. The appeal concerns a two storey detached dwelling where the development would result in a full two storey side wall coming within just under 3m of the flank of the adjacent dwelling at 17 Woodfields. The neighbouring property has two ground floor windows in the side but the Council indicates that these are secondary with the living room being served by patio doors and windows in the rear elevation anyway. There is also a side window at first floor level, which the Council argues provides the primary source of outlook to the bedroom served by it.
6. The development would bring the dwelling closer to this bedroom window at first floor level. However, an oblique view would still be obtained from the side window to the front of no. 18 above the fairly low flat roof of the single storey attached garage. In any event, this dual aspect room also benefits from another window that faces to the front and would not be affected by the side extension. Despite being appreciably smaller than the side window and with some enclosure to one side from a front projection, it would provide a fairly open outlook directly to the front, across the adjacent front gardens and more obliquely to the north-west.
7. The side facing openings at no. 17 already experience a significant degree of enclosure from the boundary fence at ground floor and the flank wall of the dwelling at the appeal site, as they face directly towards them. In these circumstances and bearing in mind the above factors, there would be no unacceptable loss of outlook or visual intrusion at the adjacent dwelling with the proposed development not appearing overbearing or unduly dominant.
8. The adjacent property has good levels of sunlight available to rear facing windows and similarly good amounts of daylight received through the north facing windows at the front. In this context and despite none of the front windows serving the living room, I see no reason to take a different view from the Council regarding the acceptability of the scheme in respect of these matters and the dwelling as a whole would have fairly good light levels.
9. In consequence, it is concluded that the living conditions of the occupiers of no. 17 would not be harmed. There would be compliance with the aim of Allocations and Development Management Plan (2015) Policy EN2 of ensuring that the occupants of nearby properties are not subject to excessive visual intrusion.
10. Taking account of all other matters raised, it is determined that the appeal succeeds. In reaching this decision I have carefully considered the views of an occupier of the adjacent dwelling at no. 17 and the Parish Council. Although acceptable for the reasons given anyway, it is also the case that the side

extension would beneficially block the existing fairly intrusive overlooking of the rear garden of no. 18 from the first floor side bedroom window at 17. It would also prevent users of the rear garden at the appeal site from being readily able to look into the first floor bedroom from an unacceptably close proximity. The quality of the residential environment at the neighbouring property would therefore be improved in this respect.

11. A condition specifying the approved plans is necessary to provide certainty. The facing materials used should be as illustrated on the proposed elevations drawing in order to protect the appearance of the dwelling. The side facing window at first floor level in the east elevation of the extended dwelling should have obscured glazing and restricted opening in order to prevent undue overlooking of the neighbouring property.

M Evans

INSPECTOR