

Appeal Decision

Site visit made on 2 November 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/A3655/D/21/3278164
36 Hollies Avenue, West Byfleet KT14 6AL

- 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 Mrs Joan Mills against the decision of Woking Borough Council.
 - The application, Ref. PLAN/2021/0154, dated 8 February 2021 was refused by notice dated 15 April 2021.
 - The development proposed is the demolition of the previously built single storey flat roof extension followed by the erection of a new single storey extension to the front, side and rear of the existing dwelling.
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Application for Costs

1. An application for an award of costs was made by Mrs Joan Mills against Woking Borough Council. This is the subject of a separate Decision.

Decision

2. The appeal is allowed and planning permission is granted for the demolition of the previously built single storey flat roof extension followed by the erection of a new single storey extension to the front, side and rear of the existing dwelling in accordance with the terms of the application, Ref. PLAN/2021/0154, dated 8 February 2021 and subject to the conditions listed in the Schedule at the end of this Decision.

Main Issue

3. The main issue is the effect of the front/side extension on the living conditions as regards light for the occupiers of No. 34 Hollies Avenue.

Reasons

4. The Council's concern in respect of the appeal application relates to the effect of the proposed front/side extension on the light currently received by a room with a window in the side elevation of No. 34, an adjoining bungalow. A prior arrangement had been made with the owner of No. 34 for my visit to include an assessment of the likely effect of the extension when viewed from inside the property. I consider this to be essential for the decision-maker in this case.
 5. I saw that the room affected is a single bedroom of very modest size with the furniture presently arranged so that the bed is next to the outside wall and its window. I also observed that there is no aspect of any significance through the window to the outside, as to all intents and purposes the outlook is confined to
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the flank wall and roof slope of No. 36 at close quarters. Given this restricted outlook, there can always only have been a limited amount of daylight to reach the bedroom. And although I have not been advised of the planning history of No. 34, it is not a relationship that I would normally expect to be approved under planning and building regulations.

6. Be that as it may, it is reasonable for the development at No. 36 to avoid an effect that would further materially reduce the daylight (and sunlight to the limited extent it occurs) reaching the bedroom. The Council argues that in fact this would be the case because the front/side extension would slightly narrow the gap between Nos. 34 and 36 and in particular infill the current set-back of a length of the front section of No. 36's flank wall.
7. As part of the appraisal the Council refers to the appeal scheme failing the 25 degree test in the Council's 2008 SPD which in turn is derived from the long standing BRE guidelines. However, with the existing window being so close to No. 36 that it already fails this test and the extension not even directly opposite the window, I am not persuaded that it would be a useful or indeed reliable starting point for a calculation of any increase in impact.
8. In my view, on-site observation is more helpful and with this side of the road having a southerly aspect the sun will rise to the east of No. 34 and set to the west of No. 36. With this trajectory, the extension and the window would be most affected in late morning / early afternoon when the sun is at its highest point in the sky. Bearing in mind that the extension would have a short pitched roof sloping away up to flat or crown roof of a lower height than the existing dwelling, I agree with the appellant's view that the window would remain capable of receiving substantial daylight and at least some sunlight over the roof of the proposed extension.
9. The amounts of light received would be reduced from their existing levels to a limited extent, but not so significantly as to warrant withholding permission for the appeal scheme. Moreover, the BRE guidelines caution that the actual use of the room is relevant to any finding as to the acceptability or otherwise of any impact. And in my view, a single sized bedroom does not warrant the same level of safeguarding as would a living room, dining room, or even the main bedroom of a dwelling.
10. Furthermore, the appellant has indicated her willingness to accept conditions that would prevent the erection of a boundary fence and other permitted development which has the potential to have a far greater effect on the window in terms of light and indeed outlook than the appeal proposal.
11. Overall, I conclude that the effect of the front/side extension on the living conditions as regards light for the occupiers of No. 34 Hollies Avenue would not be such as to be in unacceptable conflict with Policy CS21 of the Woking Core Strategy 2012; the Council's SPD and paragraph 130f) of the National Planning Policy Framework 2021.
12. I shall therefore allow the appeal. In addition to the aforementioned mentioned conditions to preclude permitted development, a condition requiring windows to be obscure glazed will safeguard privacy. A 'matching external materials' condition will achieve a harmonious appearance for the extended building. Finally, a condition requiring the development to be carried out in accordance

with the approved plans will avoid uncertainty and is in the interests of proper planning.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS based Location Plan; OS based Existing Block Plan; OS based Proposed Block Plan; Drawing Nos. DHD/21/526 001 & DHD/21/526 002;
- 3) 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;
- 4) The proposed new windows on the north-east elevation of the property shall be fitted with obscured glass and shall be non-opening for any glazing less than 1.7m above the internal floor level. The windows shall be permanently retained in that condition;
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the north-east elevation of the property the subject of this Decision;
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking, re-enacting or modifying that Order), no boundary walls or fences in excess of 1 metre in height shall be erected between the dwellinghouse and the north-east side boundary of the property the subject of this Decision;
- 7) Notwithstanding the provisions of Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or other alteration to the dwellinghouse (other than as expressly authorised by this permission) shall be constructed between the north-east elevation and the north-east side boundary of the property the subject of this Decision.