



Appeal Decision

Site visit made on 9 December 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/A3655/D/21/3281717

26 Boltons Lane, Pyrford, Woking, GU22 8TL

- 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 M Atiq against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/1145 dated 11 December 2020, was refused by notice dated 8 June 2021.
 - The development proposed is construction of single storey rear extension and two storey front and side extension to form annex following demolition of existing garage. Erection of 2no rear dormers and 1no rear rooflight.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since refusal of this application the revised National Planning Policy Framework (the Framework) was published on 20th July 2021. The Framework does not, of course, change the starting point for determination as being the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Given the main issues to be considered within this appeal I do not find that this revision to the Framework impacts upon the basis of determination for this appeal.

Main Issues

4. The main issues are i) whether the proposal would result in overdevelopment of the site, ii) the impact of the proposal upon the amenity of No. 25 Bolton Close with regard to overlooking and iii) whether the proposal is capable of forming a separate residential unit.

Reasons

Overdevelopment of the site

5. There are, as can be seen from the development description in the header of this decision letter, multiple elements to this appeal proposal. Whilst the refusal reason only states overdevelopment of the site, the Council's delegated report outlines concern with character and appearance. The proposed two storey front/side extension would maintain the ridge and eave heights of the existing two storey side extension as well as the advised 1m separation distance to the side boundary. The forward projection would bring

development forward of the existing front elevation by around 5.6m and overall I find that the cumulative impact of the proposals fails to present as a subservient addition to the host dwelling. They would be a substantial addition to the host dwelling which has already been extended.

6. It should be noted that character and appearance are two separate matters. Appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. I note the Council's contention that the catslide roof is not in keeping with the character of the area, however, I find that the appellant's statement does evidence that they are present and part of the character of the area. I do not find that the design of the catslide roof would have an impact upon the character of the area which would warrant refusal. The symmetry of the pair of semi-detached properties has already been largely lost but they are broadly similar in bulk and massing, if not design, and I do find that the proposed massing would further diminish this.
7. The proposal would be limited, to an extent, in terms of its impact upon appearance due to views from one side being limited by the building line of no. 24 and views from the other direction essentially being the flank wall of no. 24. It would, however, completely remove views currently available through the site due to the spacing between the host dwelling and no. 24 as shown in the bottom photograph on page 6 of the appellant's statement. I note that a number of the properties in the area have been extended to some extent and that the building line of neighbouring no. 24 is further forward but an extension of the nature and scale would be uncharacteristic for the area based upon the evidence before me. I find that a two-storey forward projection at a depth of 5.6m would have a detrimental impact upon the character the area.
8. The cumulative impact of the proposals would mean, as demonstrated on plan B.01 A, that the proposals would essentially double the footprint of the host dwelling. This would result in an uncharacteristic footprint and volume of built form for the size of the plot which comprises the appeal site compared to the other plots within the immediate area. The proposal presents as overdevelopment of the site detrimental to the character of the area which would also result in a loss of private amenity space, leaving a comparatively small amenity space for an overall very large dwelling when considering the combined proposal and host dwelling.
9. The proposal would be contrary to Woking Core Strategy 2012 (CS) Policy CS1 which requires proposals to respect and make a positive contribution to the street scene and character of the area. The proposal would also be contrary to Pyrford Neighbourhood Plan 2017 (NP) Policy BE1 which seeks to maintain the character of the area ensuring the context of the site is fully taken into account in relation to scale and NP Policy BE3 which requires development to respect local character.
10. The proposal would also be contrary to guidance within the Woking Design Supplementary Planning Document 2015 (SPD) which requires additional mass to respect the existing building proportions, that proposals should not compromise the private garden amenity of the dwelling concerned and that extensions should not result in disproportionate frontages. It would also be contrary to the Outlook, Amenity, Privacy and Daylight Supplementary Planning Document 2008 which requires family dwellings to provide a suitable area of

private amenity space for the outdoor and domestic and recreational needs of the family it is intended to support.

Amenity of No. 25 Bolton Close (no. 25)

11. A lack of detrimental impact in terms of sunlight/daylight are noted and do not form part of the refusal reasons and I have no evidence before me to conclude otherwise. This, along with compliance with supplementary planning document guidance such as maintaining the advised 1m from the boundary, are noted but are none the less neutral considerations.
12. Despite this the separation distances between the proposed rear facing windows and the rear elevation of no. 25 do not meet the guidance set out within the Outlook, Amenity, Privacy and Daylight Supplementary Planning Document 2008 (SPD1). The SPD advises that such separation distances should be 30m as is noted by the appellant. The proposal falls 5m short of this. I acknowledge that the SPD1 is guidance, however, taking into account the site characteristics including, most notably, that the appeal site is at a higher site level than no. 25 I find the proposed dormer windows would create unacceptable overlooking issues towards no. 25.
13. No evidence has been submitted before me to evidence, or certify, what could be achieved under permitted development as claimed. It is not within the scope of this appeal to determine what may, or may not, be permitted development or the options which may be available to the appellant. Despite this above I find that obscure glazing and/or restrictions as to opening of the dormer windows in question, to a height of 1.6m as recommended within the SPD, could be appropriately secured by condition to alleviate overlooking to no. 25. Had the windows, for example, been serving a main habitable room I would not consider it appropriate to restrict outlook in such a manner but given that the proposed rooms in the roof, according to the proposed plans, are not labelled as anything likely to be heavily utilised on a day to day basis I find this approach acceptable. I therefore find such a condition would be appropriate when also taking into account the residential amenity of occupiers of the appeal proposal.
14. The proposal would be consistent with CS Policy CS21 which requires development to avoid significant harmful impact in terms of loss of privacy and NP Policy BE1 which seeks to maintain reasonable residential privacy. The proposal would also be consistent with the objectives of the SPD1 with regard to overlooking.

Separate residential unit

15. Development Management Policies Development Plan Document 2016 (DPD) Policy DM9 advises that ancillary accommodation should be designed in accordance with CS Policy CS21, share a common access with the main dwelling, be physically incorporated and be designed in a manner which renders them incapable of being occupied separately from the main dwelling. The proposed plans show an annex which includes a separate external entrance hall, study, utility room, kitchen/living room, two bedrooms and a bathroom extending to in the region of 104 sq./m.
16. Whilst I note the appellant's contention as to the use of the proposal, I find that the level of accommodation proposed is extensive for ancillary

accommodation and presents as tantamount to a new, attached, dwelling which would essentially create a row of terraced dwellings as a result of the existing semi-detached dwellings. The scale and facilities proposed would allow someone (regardless of them being a relative or otherwise connected party) to occupy the appeal proposal with no reliance, connection or day to day interaction with the main dwelling. True annex accommodation should, I find, be ancillary in that it should have a connection to the primary activities of the main dwelling. Whilst I note that an internal door is shown between the living/dining areas of the main dwelling and the annex I do not find this realistically represents a connection in terms of day to day household activities.

17. Based upon the evidence before me within this appeal, other than the connection of the proposal to the main dwelling, I find there is limited evidence to support its function as ancillary other than the appellant's offer to accept a condition restricting occupation of the proposal. I note that the appellant has stated that amendments could have been made to the proposal to overcome such concerns but I must determine the appeal based upon the plans which formed the basis for refusal. I have considered the imposition of a condition, however, other than controlling who the occupants are (such as relatives and/or connected parties) I do not find a condition would suitably control day to day use which would essentially be independent due to the lack of connection or reliance upon the main dwelling.
18. The proposal would be contrary to DPD Policy DM9 which seeks to ensure ancillary residential extensions are genuinely ancillary to the occupation of the main house and are designed in such a way that renders them incapable of being occupied separately from the main dwelling. I do not find direct conflict with NP Policy BE1 or NP Policy BE3 with regard to the fact the proposal is capable of forming a separate residential unit.

Other Matters

19. I note the appellant's comments regarding frustration as to how the application was handled with specific regard to a lack of communication from the Council. Despite this the handling of the original application is not something which falls to be considered within this appeal and I have considered the proposal upon its own merits, against the relevant Local Plan policies, based upon the evidence before me.
20. Two third party comments have been received as part of the application. I have dealt with the matters raised within these submissions within the main issues above.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR