

# Appeal Decision

Site visit made on 18 January 2022

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

**an Inspector appointed by the Secretary of State**

**Decision date: 4 February 2022**

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## **Appeal Ref: APP/A3655/W/21/3286053**

### **5 Littlemead, Gosworth Park, Woking, Surrey GU21 3RX**

- 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 Tariq Hussain against the decision of Woking Borough Council.
  - The application, Ref. PLAN/2021/0777, dated 21 July 2021 was refused by notice dated 20 September 2021.
  - The development proposed is the erection of part first floor, part single rear extensions.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are (i) the effect of the proposed ground floor extension on the living conditions for the occupiers of No. 6 Littlemead as regards outlook, and (ii) the effect of the first floor rear extension on the character and appearance of the street scene.

### **Reasons**

3. On the first issue, the Council's concern is that the proposed single storey rear extension when attached to the existing extension would give rise to an undue sense of enclosure and be overbearing in the outlook at the rear of No. 6. The officer's report explains that the existing extension has a depth of 3.5m, with this being effectively increased to about 4.3m by the set back of No.6.
  4. The further extension now proposed would increase this distance by a further 2.5m, thereby resulting in an overall depth of about 6.8m. The addition would have a flat roof with an eaves height the same as the existing extension and be 0.9m higher than the boundary fence.
  5. I consider the Council's use of the term 'overbearing' to be an overstatement of the proposal's effect, as this normally only occurs when a structure is at such a height at close quarters that it obstructs part of the open sky. However, I do agree that having regard to the combination of the relatively modest width and length of the rear garden of No. 6 and its position as a mid-terrace house, it is reasonable to conclude that the cumulative effect of the proposed addition and the existing extension would result in an unacceptable loss of outlook. This is because the outlook from No. 6's dining and living room windows, the patio and garden would be subject to an undue sense of enclosure.
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6. Turning to the second issue, the Council says that the submitted application plans are inadequate to assess whether the dual pitch roof of the proposed first floor rear extension would satisfactorily tie in to the existing hipped roof of the previous two storey side extension.
7. Bearing in mind firstly that the Council's Design SPD says that proposed roof forms that are contrary to the existing roof design will generally be resisted and secondly that this flank of the building (and of the whole terrace) will be prominent in views from Wishbone Way, I consider there should be no room for any doubt as to the appearance of the building in its extended form. However, the standard of the submitted drawings and the detailing provided do not achieve the necessary standard and clarity.
8. The appellant argues that if the Council had had these doubts it should not have validated the application. However, validation is a primarily administrative process and it would appear that overall the drawings were given the benefit of the doubt, with the matter now raised as a refusal reason being the result of a more detailed appraisal by the case officer. I therefore consider that the application was correctly handled.
9. The grounds of appeal refer to an approval in 2006 for this part of the scheme, but this is not a reasonable basis for an approval as any new application must be assessed on its individual merits and the information provided. Furthermore, if I had been minded to approve the appeal application I would have imposed a standard condition to the effect that the approved development should be carried out in accordance with the approved plans. The reason for this condition would have been '*for the avoidance of doubt and in the interests of proper planning*'. Bearing in mind my reservations as to the adequacy of the drawings and the absence of detailing I would have found it difficult to grant permission subject to that condition.
10. Overall, on the first issue I conclude that the single storey extension would have an unacceptable effect on the living conditions for the occupiers of No. 6 Littlemead in terms of outlook. On the second issue, the application does not adequately demonstrate that the first floor rear extension would have an acceptable impact on the character and appearance of the host dwelling and in turn Wishbone Way.
11. In these circumstances there would be conflict with Policy CS21 of the Woking Core Strategy 2012; the Council's Design SPD 2015, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.
12. For these reasons and having had regard to all other matters raised, the appeal is dismissed.

*Martin Andrews*

INSPECTOR