



Appeal Decision

Site visit made on 22 March 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/A3655/D/21/3287490

9 Hillside, Woking GU22 0NF

- 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 Farida Farooqi against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/1027, dated 14 September 2021, was refused by notice dated 11 November 2021.
 - The development proposed is the erection of 2No front and 2No rear dormers and 2No side rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's development description as it more accurately and concisely describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupants, with particular regard to overlooking.

Reasons

4. The appeal site comprises a detached bungalow set within a large garden plot, accessed via a lane access shared with 11 Hillside. The property is situated near properties set within similarly large garden plots, generally with mature landscaping along their boundaries.
5. The proposed development would introduce four dormer windows within the existing roofslopes, two at the front and two at the rear. Those to the rear would be angled towards an adjacent dwelling, Farway, which fronts Egley Road. This is due to the angled orientation of the appeal property within the plot.
6. At present, the occupants of Farway benefit from privacy from the south-west by reason of the single-storey nature of the appeal property and the intervening boundary landscaping. The proposed development would allow views from the upper floor of the appeal property directly towards Farway, which features windows to habitable rooms in its nearest elevations to the appeal site. As such, and irrespective of the precise separation distance here,

the occupants of Farway would experience a loss of privacy as a result of the proposed development.

7. The dormer windows to the front roofslope would face towards the access lane, together with the back garden of 7 Hillside and the front garden of 11 Hillside. The garden at No 11, although technically a front garden, is landscaped and used as private amenity space. However, a rear garden also exists at this property. The rear garden of No 7 is large and is bounded by mature landscaped boundaries. Although I acknowledge the reference by the Council to the sites being at different levels, this was not overly apparent at the time of my site visit.
8. I have had regard to the comments raised by neighbouring occupants in respect of the effect of the proposed development here, and in particular the photographs provided by the owner of No 7, showing the appeal site from within the property and its garden.
9. The addition of dormer windows within the front roof slope would undoubtedly change the relationship between the appeal site and No 7. The Council's Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (the 'Amenity SPD') sets out that for two storey accommodation, including dwellings with first floor dormer windows, a separation distance of approximately 20m will be adequate to prevent overlooking of dwellings of a similar or lesser height. The separation distance here is closer to 30m. For this reason, together with the fact that the south-eastern dormer window would be fitted with obscured glazing, occupants of No 7 would not experience unacceptable levels of overlooking as a result of the proposed development. For similar reasons, together with the fact that both proposed windows would be angled slightly away from No 7, the garden area here would not experience unacceptable levels of overlooking.
10. Although I acknowledge that the front garden of No 11 would be overlooked to a greater extent than at present, the angle of the properties and position of the proposed dormer windows is such that there would be no additional overlooking impacts to occupiers here. The considerable size of the amenity space to the front, together with its mature landscaping and the existence of a rear garden, is such that overlooking here would be to an acceptable level. Moreover, views into the garden can already be obtained by passers by using the lane access.
11. Although, as noted above, the Amenity SPD sets guidance for a separation distance of 20 metres being adequate to prevent overlooking between dwellings of a two-storey height, this typically relates to 'tandem' forms of development, or properties which are closely aligned. The appeal site and No 11 are angled and positioned in an unconventional fashion. As such, the recommended separation distances would be difficult to apply here.
12. In conclusion, the proposed development would harm the living conditions of the occupants of neighbouring properties, with particular regard to overlooking, contrary to the relevant provisions of Policies CS21 and CS25 of the Woking Core Strategy (2012) and the Amenity SPD (2008), which in summary seek to protect the amenities of neighbouring occupants. This is consistent with the design aims of the National Planning Policy Framework (2021).

Other Matters

13. The appellant states that the proposed development could be achieved via Permitted Development procedures. Whilst I acknowledge that some elements of the proposed development may be pursued under such a route, the appeal has been determined based on the information before me. I give this matter limited weight.
14. The appellant has set out that the proposed development has been designed in response to a previous unsuccessful planning application. The design of the scheme, as far as it effects character and appearance, is not a matter of contention between the main parties. However, this being the case does not overcome the harm identified above in respect of living conditions.

Conclusion

15. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR