

Appeal Decision

Site visit made on 20 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/K3605/D/22/3294978

34 Summer Road, East Molesey KT8 9LS

- 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 Ms Lucy Flaherty against the decision of Elmbridge Borough Council.
 - The application, Ref. 2021/4116 dated 30 November 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the removal of an existing single storey extension with a replacement single storey and part 1st floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions for the occupiers of No. 32 Summer Road as regards outlook and light.

Reasons

3. The appeal application is an amendment of an earlier application ref. 2021/2724 which was refused because of the Council's view of an adverse effect on both neighbours, Nos. 32 and 36. The officer's report for the current proposal explains that the reduction of 0.5m in the length of the proposed first floor compared to the previous proposal has satisfactorily addressed issues of outlook and light in respect of two first floor windows at No. 36. However, concern for the effect on outlook and light for No. 32 on the opposite flank remains.
 4. This concern is that a first-floor bedroom at No. 32 has its only window in the wall directly facing the proposed first floor extension. It would seem reasonable to presume this is the '*teenage son's bedroom*' referred to in the objection to the appeal scheme from the occupier of No. 32. That objection also expressed concern in respect of the effect on their dining room and kitchen, but the officer's report is silent in this regard and the Council's appeal questionnaire did not suggest that I include No. 32 in my visit.
 5. Be that as it may, I am satisfied that the extent of the first-floor addition as proposed would significantly restrict the outlook from this neighbour's bedroom window. The existing open aspect over the flat roof of the ground floor extension at No. 34 would be replaced by an overbearing impact of the new
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flank wall and any remaining longer distance outlook would be at an oblique angle towards the rear garden of No. 34. There would also be a loss of morning sunlight and a reduction in daylight because of the proximity of the proposed first floor wall of the extension. In the absence of a daylighting and sunlighting report on the lines published by the Building Research Establishment the exact effect cannot be quantified, but I am nonetheless content that the Council's reason for refusal is sound.

6. For the appellant, reference is made to the 2004 permission for the two-storey extension at No. 32, with the argument advanced that the effect of the current scheme on the window would only be the same as the Council anticipated at that time. There are a couple of alternative theories advanced to support this view, but I can attach only very limited weight to supposition of the events of almost two decades ago. Moreover, the relationship between Nos. 32 and 34 is what it is and what matters now is the effect of the current scheme.
7. I conclude that this effect would be one of unacceptable harm to the living conditions for the occupiers of No. 32 in conflict with Policy DM2 of the Elmbridge Development Management Plan 2015; the Council's Design and Character SPD 2012 and paragraph 130f) of the National Planning Policy Framework 2021.
8. For these reasons the appeal is dismissed.

Martin Andrews

INSPECTOR