



Appeal Decision

Site visit made on 19 July 2022 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/A3655/D/21/3287010

Lynwood, South Road, Horsell, Woking GU21 4JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 and Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Dayo Morakinyo-Adeosun against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0807, dated 7 July 2021, was refused by notice dated 31 August 2021.
 - The development proposed is described as "Prior notification for enlargement of a dwellinghouse by construction of an additional storey with a ridge height of 7.65m".
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) for an additional storey at Lynwood, South Road, Horsell, Woking GU21 4JU in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 1, Class AA of the GDPO.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description used in the banner heading is taken from the decision notice, as no description was provided in the application form. For the purposes of the decision given above, the description has been simplified.
4. Under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by the construction of additional storeys, subject to limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority.

Main Issue

5. The main issue is whether the proposal complies with the condition in paragraph AA.2.(3)(a)(i), with regard to whether or not it would be overbearing to the occupiers of 'Sunset'.

Reasons for the Recommendation

6. The property is a modest single-storey dwelling located on a residential street. The proposal would add an additional storey to the main part of the building. Lynwood is set back further from the road than its neighbour Sunset. The development would be positioned in line with the rear garden of Sunset, close to Sunset's rear elevation.
7. Sunset has a relatively large garden, with 3 separate doors on the rear of the property providing access. The development would be in relatively close proximity to the rear doors on the southern side of the house, but a significant distance would remain between the development and the remaining rear doors at Sunset. Due to the size of Sunset's garden, and the two rear garden access points further to the north, the effect of the extension would be limited. It would not result in an unacceptable degree of overbearing, and would not harm the living conditions of the occupiers of Sunset.
8. The Council state that the proposal would pass the 45-degree test overall. The sunlight assessment provided by the appellant further demonstrates that the development would be acceptable with respect to the light available to Sunset.
9. The Council have not found harm with respect to overlooking or loss of privacy, or to the character and appearance of the area. Due to the distance between the proposal and the properties to the rear, there would be no significant or harmful increase in overlooking beyond that which currently exists between properties in the area. With regard to character and appearance, there are many two-storey properties in the vicinity, and the proposal would not appear out of character amongst them. The same conclusions are therefore reached in this appeal with regard to overlooking, privacy, and character and appearance.
10. For the reasons above, the proposed development would conform to the requirements and criteria of Article 3 and Schedule 2, Part 1, Class AA, paragraph AA.2.(3)(a)(i) of the GDPO.

Conclusion and Recommendation

11. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR