



Appeal Decision

Site visit made on 9 August 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/R3650/W/21/3285806

24 West Avenue, Heath End, Farnham GU9 0RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Will Stewart against Waverley Borough Council.
 - The application Ref WA/2021/01832, is dated 18 May 2021.
 - The development proposed is described on the planning application form as 'Two storey side extension.'
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at 24 West Avenue, Heath End, Farnham, GU9 0RH in accordance with the terms of the application, Ref WA/2021/01832, dated 18 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CS/WL/001, CS/WL/002, CS/WL/003 and CS/WL/006.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be carried out and thereafter retained in accordance with the approved samples.
 - 4) The flat roof area of the single-storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. The appellant and the Council have both referred to an amended block plan which they suggest was submitted to the Council in order to address concerns raised during the course of the Council's consideration of the planning application. However, I have not been provided with a copy of this plan (other than the images contained within the appellant's appeal statements) and it is not clear whether or not the Council accepted and consulted on this amendment.
3. Furthermore, there is no indication that the elevations or floor plans were amended, which would be necessary in order for them to match any revisions to the amended block plan. I have therefore based my consideration of this

appeal on the plans which are before me - as originally submitted to the Council - including the original block plan (reference CS/WL/001).

4. Since this is an appeal against non-determination, there is no decision notice. That said, the Council has provided an officer report and a letter, which together set out the reasons why they would have refused planning permission. This evidence has informed the main issues of the appeal.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the host property and surrounding area.
- The effect of the proposed development on the living conditions of the occupiers of 26 West Avenue, with particular regard to outlook and access to natural light.

Reasons

Character and Appearance

6. 24 West Avenue (the Host Property) is a two-storey detached property located in an area characterised by residential development of varying appearance, scale and layout. Properties on this part of West Avenue are mostly detached or semi-detached and many are large two storey dwellings. Some of these buildings have been extended at two storey level, including the neighbouring dwelling at 26 West Avenue (No 26). The Host Property is located within a plot with a relatively wide frontage, with a detached garage located adjacent to the boundary with No 26.
7. The proposed development involves the demolition of the existing detached garage and erection of a two-storey side extension on the northern flank of the dwelling. The proposed development would also extend very marginally towards the rear. The maximum ridge height would be no higher than the existing dwelling and the extension, whilst incorporating contemporary features, would largely imitate the scale and proportions of the existing southern flank of the building. The bulk of the extension is subservient to the host property because the central portion of the dwelling would remain the most dominant feature.
8. The extension would be within approximately 0.9 metres of the boundary with No 26. However, the ridge height of the proposed development would be lower than that of No 26. Furthermore, there would also be a slight difference in the front building lines, with No 26 set further forwards towards the street. These factors combined, mean that the proposed development would not create a terracing effect and the contemporary design features, including proposed cladding to the front, would further re-enforce the separate identity of the Host Property when viewed in conjunction with No 26. There would be no extension towards No 22 on the opposite side and as such there would be no harmful terracing effect to this side.
9. Overall, the proposed development would reflect the varied scale and plot-coverage of surrounding properties, not least the scale of No 26 and the gap between No 26 and No 28. Whilst there would be a conflict with the guidance

within the SPD¹, which sets out a separation distance of 1 metre, this infringement would only be minor and for the reasons outlined above it would not, in this instance, result in any harm. Whilst some contemporary features are proposed, the development would be in keeping with the varied appearance of development in the surrounding area.

10. For these reasons, the proposed development would comply with Local Plan² Part 1 (2018) Policy TD1, Farnham Neighbourhood Plan (2020) Policies FNP1 and FNP16 and saved Local Plan³ (2002) Policies D1 and D4. These policies collectively require that new development is of a high-quality design, which responds to local character, including through respecting the spacing between buildings and the character of the street scene.
11. The proposed development would also comply with the Farnham Design Statement, which requires in part that new development reflects and is sympathetic to the scale and massing of the existing built environment.

Living Conditions

12. The two-storey element of the proposal would extend slightly to the rear of the existing rear building line of the host property. At single storey level there would be another small extension to the rear with a flat roof. The plans indicate that double doors are proposed at first floor level adjacent to the flat roof.
13. The adjacent neighbouring property at No 26 has several rear-facing windows at first floor level. The nearest of these is a bathroom window and as such, I do not consider that there would be any harmful overbearing impact, given that the room does not comprise primary living space. For the same reasons, any loss of light (which would be a minimal loss at worst) to this window would not be materially harmful to the living conditions of the occupants of this neighbouring dwelling.
14. The next closest window is located at such a distance from the proposed development that I do not consider that there would be any overbearing or loss of light, particularly given that the roof height of the development tapers downwards towards the north. Reference is made to 45 degree angles but there is no substantive evidence before me to indicate that the development would infringe on any such angle drawn from this neighbouring window.
15. The Council has suggested that the flat roof could be used as a balcony and that a condition is necessary to ensure that there would not be any loss of privacy as a result of overlooking of neighbouring gardens at No 22 and 26. The appellant has agreed to accept such a condition. As such, subject to the imposition of an appropriately worded condition the proposed development would not result in harm to the privacy of neighbouring occupiers.
16. The proposal would therefore comply with Local Plan Part 1 (2018) Policy TD1, Farnham Neighbourhood Plan (2020) Policies FNP1 and FNP16 and saved Local Plan (2002) Policies D1 and D4. These policies collectively require that new development is not harmful to the living conditions of neighbouring occupiers.

¹ Residential Extensions SPD, adopted October 2010

² Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018)

³ Waverley Borough Local Plan 2002

17. The Council also refers to the SPD, which indicates that a separation distance of 3 metres should be provided between a development and the neighbouring boundary where the proposal is for a two-storey rear extension. However, the SPD also highlights that 'special circumstances' can provide an exception to this recommendation. In this case, given my considerations above, I find that an exception exists in this instance and as a result, there would not be a conflict with the SPD.
18. The Council asserts that there would be a conflict with the Farnham Design Statement. However, it has not specified how such a conflict would arise and as such I have not identified any conflict with it.

Other Matters

19. Farnham Town Council has objected to the proposed development on the basis that it considers that the size, scale and materials would have a negative impact on the street scene. However, for the reasons outlined above, the proposed development would be in keeping with the character of the street scene. Furthermore, the precise details of the materials proposed can be provided to the Council for approval prior to commencement of development, controlled by planning condition.

Conditions

20. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty. A condition requiring the submission and approval of materials prior to commencement of development [3] is necessary in the interest of character and appearance. The appellant has agreed to this pre-commencement condition.
21. A condition requiring that the flat roof is not utilised as a balcony [4] is also necessary in the interest of neighbouring living conditions, albeit I have modified the wording recommended by the Council. This is because there is insufficient justification for the removal of permitted development rights (for alterations to the roof), given that the condition I have proposed is sufficient to prohibit the use of the roof as a balcony.
22. These conditions meet the tests set out in the Framework.

Conclusion

23. The proposed development complies with the development plan taken as a whole. Whilst there would be a minor conflict with the SPD, this conflict is not of sufficient weight to warrant a decision other than in accordance with the development plan. The appeal is therefore allowed.

Luke Simpson

INSPECTOR