



Appeal Decision

Site visit made on 20 September 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 OCTOBER 2022

Appeal Ref: APP/A3655/D/22/3302690

35 Ormonde Road, Horsell, Woking GU21 4RZ

- 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 & Mrs Gupta against the decision of the Council for Woking Borough Council.
 - The application Ref PLAN/2021/1294, dated 3 December 2021, was refused by notice dated 15 June 2022.
 - The development proposed is described as "erection of a two-storey front and rear extension and rear window. Removal of rear chimney."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of No 48a Rosehill Avenue with regard to outlook and light.

Reasons

3. The appeal site is located on the eastern side of Ormonde Road in Horsell, close to the junction with Rosehill Avenue. The area is mainly residential although there are commercial and retail units located in the nearby High Street. Nevertheless, the surrounding area is suburban in nature and consists of traditional detached and semi-detached properties tightly grouped to one another. To the north and west of the appeal site are the properties in Rosehill Avenue, which are in close proximity and overlook the rear garden of the appellant.
4. The development proposed includes a two-storey front extension with a gabled roof and a two-storey rear extension with a hipped roof treatment. In respect to the front extension, the Council and appellant agree that there is no harm to the character, given other examples in the vicinity. Nor are there any impacts to off-street parking or the living conditions of neighbours. I also concur with this assessment and agree that this part of the proposal would be appropriate.
5. With regard to the rear extension, the appeal property has previously been extended at two-storeys and occupies over half the width of No 48a Rosehill Avenue along the rear boundary. The existing space at the rear of the appeal property currently provides an important visual break for the occupants at No 48a, and mitigates any feeling of enclosure and being hemmed in. When viewed from the rear of No 48a the proposal will cover a further 1.5m of this important space, and, given the relatively modest rear garden at No 48a, at

- two-storeys high, the proposal would consequently create a dominant and oppressive feature, looming over these occupants. In my view, this would have an overbearing and detrimental effect upon the outlook from both the back garden and the windows of the rear facing habitable rooms.
6. The Council and appellant agree that the proposal would not breach the 25-degree angle¹ taken from a 2m point in the centre of the ground floor window at the rear of No 48a. As such, the proposal is not considered to adversely affect the light to habitable rooms at this property. However, this is a 2D assessment on light to habitable rooms only, and it does not have regard to the increase in height and mass which would arise as a result of the proposal on the garden space. No evidence has been supplied in respect to any sunlight/daylight analysis to demonstrate whether acceptable levels of sunlight can be achieved in this garden. In my view, the proposal could unacceptably diminish the amount of light entering the garden, given the additional bulk and the southerly aspect. As a result, I am not satisfied that there would be no undue harm to the living conditions of the occupier at No 48a in respect to light.
 7. The appellant has drawn my attention to the stepping in of the flank wall at upper floor level; the positioning of the proposal away from the boundary, and the use of the hipped roof, specifically to mitigate any overbearing impacts on the amenity of neighbouring properties. However, this does not alleviate the harm I have identified in terms of the depth of the proposal, and potential negative impacts on the living conditions of No 48a in terms of outlook and loss of light to the garden. As such, this consideration does not outweigh my findings above.
 8. Consequently, I conclude that the overbearing outlook from the garden and the rear facing habitable rooms, coupled with the potential loss of sunlight to the garden at No 48a Rosehill Avenue triggered by the proposed two-storey rear extension, would cause significant and unacceptable harm to the living conditions of these occupants. The proposal would therefore conflict with the objectives of Policy CS21 of the Woking Core Strategy, adopted October 2012; the Woking Design Supplementary Planning Document (SPD), adopted February 2015 and Woking Borough Council Outlook, Amenity, Privacy and Daylight SPD, adopted February 2022 which, amongst other things, promote high quality design and seeks development to achieve a satisfactory relationship to adjoining properties avoiding harmful impacts on daylight, sunlight or outlook. It would also be contrary to the National Planning Policy Framework 2021 which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Other Matters

9. The appellant draws my attention to the acceptability of the character and appearance of the proposed development, and that the appeal proposal provides sustainable development. However, neither of these issues are in dispute, and it is the impacts on the living conditions of the occupants at 48a Rosehill Avenue that results in the above conclusions on the main issue. As such, these matters do not outweigh my conclusion on the main issues or that the development plan as a whole, is not complied with.

¹ Building Research Establishment 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011)

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR