

Appeal Decision

Site visit made on 31 October 2022

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

an Inspector appointed by the Secretary of State

Decision date: 28TH November 2022

Appeal Ref: APP/R3650/D/22/3306305

19 Spring Lane, Farnham GU9 0JD

- 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 Dali Darak against the decision of Waverley Borough Council.
 - The application, Ref. WA/2022/00977, dated 14 March 2022, was refused by notice dated 1 July 2022.
 - The development proposed is the erection of a single storey extension; raised decking with glass balustrades and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension and raised decking on the living conditions for the occupiers of an adjoining dwelling, 'The Lookout', 10 Trinity Hill, as regards outlook and privacy.

Reasons

3. The appeal proposal is for a single storey rear extension with a depth of 4.5m and a height of 3.48m with the eaves set at 3m. The scheme also includes raised decking and glass balustrades. The background to this application is that an application for Prior Approval was granted, but subsequently determined as not being permitted development and therefore not lawfully implementable.
 4. The Council's concern is that the extension, which would extend to within 1.3m of the shared side boundary with 'The Lookout', would be overbearing and result in a loss of outlook. There would additionally be overlooking from the raised decking, with a resultant loss of privacy.
 5. As regards outlook, the effect of the rear extension would be to block the westward views from the kitchen window of 'The Lookout'. I saw on my site inspection that although oblique, these views include part of the garden of No. 19 and beyond, as well as part of the sky.
 6. Bearing in mind that these neighbours make considerable use of their kitchen on a daily basis and that direct views from it are mainly of the existing flank wall of the appeal dwelling at close quarters, I consider that the retention of the oblique views to the west are particularly important to their living conditions.
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7. The outlook from the kitchen window would also be affected by another proposal, the subject of a contemporaneous appeal for a pitched roof on the existing side extension. I have concluded in that case that the effect on outlook would be insufficient to preclude a grant of permission. However, in this appeal the planning balance weighs in favour of the occupiers of 'The Lookout'.
8. In addition, because No. 19 is at a higher level than 'The Outlook' I consider that the western part of the latter's garden (and particularly the part that connects to the side passageway between the northern elevation and the boundary fence) would be unduly dominated by the proposed full width extension. Because of the slope of the land in views towards No. 19 the observer would be looking upwards to a substantial building close to the boundary. Accordingly, in the absence of any meaningful setback at this corner, the extension would be perceived as oppressive in the enjoyment of a garden that from its high standard of presentation and maintenance clearly plays a significant role in the daily lives of the occupiers of the neighbours to No. 19.
9. I also consider that because of the combination of land levels and its proximity, including the further projection away from the house, the nearest section of the proposed raised decking would be the cause of perceived, and in all probability actual, overlooking of the western part of the garden of 'The Outlook'. This would comprise an unacceptable impact on the privacy for existing and any future occupiers of this residence.
10. In summary, and having had regard to all other matters raised, I consider that in its present form the proposed extension would have an unacceptable effect on the living conditions for the occupiers of 'The Lookout', 10 Trinity Hill, as regards outlook and privacy. In my reaching this conclusion it will be apparent that I do not agree with the findings of the Council's report on the Prior Approval application. However, as a new decision-maker in this case I attach more weight to my planning judgement than the need for consistency, especially as it is not the principle of the rear extension that is at issue.
11. In the light of the adverse effects that I have explained, the appeal scheme would be in harmful conflict with Policies D1(c) & D4(c) of the Waverley Borough Local Plan 2002; Policy FNP16e) of the Farnham Neighbourhood Plan; the Council's Residential Extensions Supplementary Planning Document and Paragraph 130f) of Government Policy in the National Planning Policy Framework 2021. I do not consider that there would be material conflict with Policy TD1 of the Waverley Local Plan (Part 1) 2018 as alleged by the Council, but this does not outweigh my findings in respect of the other policies.
12. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR