

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: 24th November 2022

Appeal Ref: APP/R3650/D/22/3304965

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/2022/00129, dated 16 December 2021, was refused by notice dated 22 May 2022.
 - The development proposed is the addition of a pitched roof to the existing side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a pitched roof to the existing side extension at 19 Spring Lane, Farnham in accordance with the terms of the application, Ref. WA/2022/00129, dated 16 December 2021 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. FLU.1478.5.01; FLU.1478.5.02; FLU.1478.5.03;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The Location and Block Plans submitted as part of the application indicate the adjoining property south of the appeal building as being No. 17 (Spring Lane). However, notwithstanding that these plans have been reproduced from an Ordnance Survey base, this property is in fact 'The Lookout', 10 Trinity Hill, as referred to below.

Main Issue

3. The main issue is the effect of the proposal on the living conditions for the occupiers of an adjoining dwelling, 'The Lookout', 10 Trinity Hill, as regards outlook and light.
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Reasons

4. Because of the position of 'The Lookout' to the south of No. 19 and its orientation, the rear to side relationship between the two dwellings differs from the more usual side to side siting along a suburban road. In this case however, both flanks and the front of 'The Lookout' have an open aspect to the garden and the proximity of the rear to side relationship and resulting limited outlook is the equivalent of the more normal siting as referred to above.
5. There is an existing single storey side flat roofed extension to No. 19 Spring Lane and the appeal scheme is to extend the main pitched roof of the building over this. I consider this to be a logical addition and an improvement to the appearance of the building. However, the Council considers that the additional height to a maximum of 5.2m in the form of a side gable would have an unacceptably adverse effect on the outlook currently enjoyed at 'The Lookout', the neighbouring dwelling to the south. This would be especially the case from the kitchen window and this assessment is strongly supported by the occupiers of that property.
6. Whilst I have noted these points, there is approximately a 3m gap between the rear wall of 'The Lookout' and the side wall of No. 19. I was able to ascertain that because of this modest distance the direct outlook from inside the neighbours' kitchen is for the most part limited to below the eaves / gutter line along the existing flat roof extension.
7. The proposed pitched roof would be only above this level and therefore generally not seen in the outlook through the window. There would be something of an exception when looking to the left or right through the window, as this affords an oblique view of the ends of the flat roof and the sky above them. The lower parts of the proposed pitched roof near its corners would be visible, but to the left the views across the garden of the appeal property as far as houses in the background and most of the skyline would remain. There would be a smaller amount of the sky visible to the right.
8. In these circumstances and having regard to the implications of the orientation described above, I do not regard the effect of the development on 'The Outlook' to be unreasonable. I have also borne in mind that the Council's guidance says that only 'large' kitchens can be regarded as habitable rooms, albeit I do recognise the neighbours' point that this room is larger than has been assumed and that the aspect from the window is especially important to them.
9. In terms of the loss of light, the appellant's technical Daylight and Sunlight Report indicates that the kitchen window would retain a satisfactory amount of daylight in accordance with the BRE guidance. I find this unsurprising given that the pyramidal shape of the proposed gable tapering to its apex at a height of 5.2m would leave a significant amount of 'vertical sky' to either side, as can be seen from application Drawing No. FLU.1478.5.03. The neighbours at 'The Lookout' refer to the depth of the eaves, but even if not already factored into the analysis I do not regard the overall impact on this window and the dwelling as a whole as being unacceptable.
10. In summary, and taking full account of the understandable concerns of the occupiers of 'The Lookout', I conclude that there would not be a significantly

adverse impact on the living conditions as regards outlook and light a result of the proposed pitched roof.

11. I shall therefore allow the appeal. A condition to require the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A matching external materials condition will secure a harmonious appearance for the building and thereby maintain visual amenity.

Martin Andrews

INSPECTOR