



Appeal Decision

Site visit made on 1 February 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/R3650/D/22/3302967

Horseshoes, Prestwick Lane, Grayswood, Haslemere, Surrey GU27 2DU

- 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 and Mrs Taylor against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01348, dated 28 April 2022, was refused by notice dated 6 July 2022.
 - The development proposed is the erection of a new two floor extension with alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of Woodside with specific regard to daylight, sunlight, and outlook.

Reasons

3. The host dwelling is a two-storey, detached dwelling located close to the shared boundary with the adjacent property Woodside, a semi-detached bungalow. The boundary is an established evergreen hedge which extends to broadly the top of the ground floor windows of both properties.
4. Woodside is set further back from the shared boundary and the main window in its side elevation facing the appeal site is the only window available to the kitchen. This is broadly positioned facing just forward of the centre of the host dwelling's side elevation.
5. The proposed would construct a two-storey extension to the front of the host dwelling, which would extend the length of the side elevation forward and bringing its frontage broadly in line with the front of Woodside. Due to the existing height, length, and proximity of the host dwelling's side elevation to Woodside's kitchen window, the main source of daylight for that window is from the front of the host dwelling, above the hedge.
6. The appellant has stated that the proposal would exceed key distances and angles set out within BRE Site Layout & Planning, a Guide to Good Practice 1991 and BS 8206-2, and that the sky component and lighting factor angles are not compromised. Nevertheless, this has not been supported by a technical assessment, nor has it been specifically shown what effect the proposal would have on daylight accessible to Woodside's kitchen window.

7. It is, however, evident that the extension of the host dwelling's side elevation at a two-storey height would encroach into the area where most of the daylight accessible to the kitchen window comes from. This would reduce the limited daylight currently available to an unacceptable amount for a kitchen. A room which is commonly used within a dwelling, where often tasks requiring a good level of light are undertaken. I am not, therefore, satisfied that the evidence demonstrates the proposal would have an acceptable effect on the daylight conditions for Woodside's kitchen window.
8. The appellant has, however, submitted a sunlight diagram. Although not relating specifically to the appeal proposal, this confirms the tracking of the sun would be on the opposite side of Woodside which relates to what I observed on site. I am, therefore, satisfied that the location of the proposal would not significantly impact the amount of direct sunlight to the kitchen window.
9. The outlook from the kitchen window is dominated by the boundary hedge with the host dwelling's side elevation extending above. This means views from it are already shortened, with a narrow and constrained aspect. Taking this into account, and as the proposed extension would not be located directly in front, or immediately to the side, of the kitchen window, I am satisfied its outlook would not be significantly further impacted by the proposal.
10. It is appreciated the proposal has been designed with the character and appearance of the host dwelling in mind, and that effort has been made to ensure the proposed extension has limited impact on Woodside's front facing windows and the privacy of its occupants. Yet, this does not overcome the harm caused by the reduction in daylight to Woodside's only kitchen window.
11. In conclusion the proposed development would unlikely have a detrimental impact on living conditions regarding sunlight and outlook. Nevertheless, on the evidence before me the proposal could significantly and detrimentally impact the daylight available to the kitchen window which would harm the living conditions of the occupants of Woodside. This would be contrary to Policies D1 and D4 of the Waverly Borough Local Plan insofar as they seek to protect the living conditions of occupiers of neighbouring properties from harm.

Other Matters

12. The appeal site is within the Metropolitan Green Belt (MGB) and would constitute an extension or alteration of a building. Taking into account the dimensions and location of the proposal, it would not result in a disproportionate addition over and above the size of the original building. Consequently, I agree with the Council's position that the proposal would not constitute inappropriate development in the MGB in accordance with Paragraph 149 of the National Planning Policy Framework (the Framework).
13. The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council also did not object to the appeal scheme in this regard and I agree that due to the scale, form and design of the proposed development, the special qualities of the AONB would not be adversely affected.

14. The main parties consider the proposal would not affect nearby trees, the highway, the water framework and the character and appearance of the area. However, these would constitute a lack of harm, so are neutral factors and do not overcome or mitigate my findings.
15. The appellant has referred to various paragraphs from the Framework, broadly relating to plan making, pre-application engagement and determining of the applications in line with the development plan. I have taken these into account, but they do not alter my findings on the main issue.

Conclusion

16. For the reason above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR