
Appeal Decision

Site visit made on 13 February 2023

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH March 2023

Appeal Ref: APP/K3605/D/22/3311124

Holly Cottages, Heath Road, Weybridge, Surrey KT13 8TJ

- 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 Duncan Wilkinson against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2212, dated 14 July 2022, was refused by notice dated 6 October 2022.
 - The development proposed is described as 'first floor extension over existing ground floor extension. To contain a bathroom and dressing area'.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the appeal proposal on the living conditions of the occupiers of the neighbouring property, 55 Heath Road (No 55) in respect of whether there would be a loss of sunlight and daylight and overshadowing.

Reasons

3. The proposed extension would be constructed above the appeal property's existing ground floor projection and would extend to the shared side boundary with No 55. A partially sloping roof is proposed to minimise the impact of the extension on the neighbouring property.
4. Alongside observations made at the site visit, I have taken into account the '45° angle' test required by the Council's 'Design and Character Supplementary Planning Document Companion Guide: Home Extensions' (SPD). In my judgement the end of the proposed extension which extends beyond No 55's first floor rear projection would limit the amount of daylight and sunlight reaching the neighbouring habitable rooms at ground floor level, namely through a French door near the boundary. Moreover, as the appeal property is to the south of No 55, this would result in light being restricted throughout much of the day.
5. Even though there is another French door to provide some light to the rear room, I conclude that the degree of loss of daylight and sunlight to the neighbouring property would be harmful. Furthermore, the overshadowing of the patio area next to the house and boundary would also harm the living conditions of the neighbouring occupiers.

6. Other homes in the locality have been extended significantly, some in a similar manner to the appeal proposal. However, they do not set a precedent for this proposal which has been considered on its own merits and site-specific circumstances which include the relationship to the adjoining house.
7. I conclude that the proposed first floor rear extension would result in a loss of light and overshadowing to a degree that would harm the living conditions of the occupiers of No 55 due to its overall height, depth and proximity to the shared boundary. The proposal therefore conflicts with the requirements of criterion 'e' of Policy DM2 of the Development Management Plan 2015. Among other things, this seeks to protect residential amenity in terms of providing adequate daylight and sunlight. Moreover, the scheme fails to comply with the detailed requirements of the SPD as noted above. For the same reasons it would conflict with the similar provisions of the National Planning Policy Framework.
8. For the reasons set out above, the appeal is dismissed.

Elaine Benson

INSPECTOR