



Appeal Decision

Site visit made on 16th March 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 19th April 2023

Appeal Ref: APP/C3620/D/22/3292082

37 Badingham Drive, Fetcham KT22 9EU

- 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 Chetan Harjai against the decision of Mole Valley District Council.
 - The application Ref.MO/2021/1265/PLAH, dated 7 July 2021, was refused by notice dated 23 November 2021.
 - The development sought is garden decking with enclosed veranda.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already taken place. On the Planning Application Form the description of development sought is "garden decking with enclosed veranda" and I have repeated that in the banner heading above. The decking comprising the veranda is to the north of a modular garden building. The building sits on the decking platform with steps up to it. The veranda is partly enclosed by a wooden railing.

Main Issue

3. The main issue in the appeal is the effect of the decked veranda on the living conditions of the occupants of 39 Badingham Drive in respect of privacy.

Reasons

4. The appeal site is a two-storey detached dwelling situated on the south-east side of Badingham Drive in the built-up area of Fetcham. It has a rear garden which rises quite steeply to mature vegetation which screens the rear garden of the dwelling behind.
5. The appeal site is located in a row of two-storey detached houses with no.39 Badingham Drive to its south-west and no.35 to its north-east. These three properties have similar-sized rear gardens side-by-side but separated with fencing.
6. A garden building has been installed near the common boundary with no.39. This sits on a decked platform which extends in a north-westerly direction towards the rear elevation of the appeal property. As the garden rises steeply, the decking is raised nearest the house in order to create a level platform.

7. Whilst there is a fence on the common boundary with no.39, the elevated position and short separation distance makes it is possible to stand or sit on part of the veranda and view part of the rear elevation of no.39. In particular, views into the first floor bedroom nearest to no.37 are clear. Parts of furniture in the room can be discerned. This is possible owing to the proximity of the rear elevation of no.39 which is very approximately 10m away from the end of the veranda.
8. Vegetation and the fence separating the two houses does not mitigate the ability to overlook this first floor bedroom. Furthermore, there is a loss of privacy for occupants of no.39 when in the other first floor rear facing rooms but this is to a lesser extent.
9. In summary, whilst recognising that Badingham Drive is in a built-up area where some degree of mutual overlooking might be expected, the degree of overlooking is unacceptable in this case. I conclude that the veranda results in a significant and unreasonable loss of privacy for the occupants of no.39 Badingham Drive. The development is contrary to policies ENV22 and ENV32 of the Mole Valley Local Plan (adopted 2000).

Conclusion

10. Having taken into account all representations made including those from local residents, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR