

Appeal Decision

Site visit made on 17 April 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/K3605/D/23/3316978

14 Anne Way, West Molesey KT8 2PT

- 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 Mrs Nicole James-Lowe against the decision of Elmbridge Borough Council.
 - The application Ref 2022/3071, dated 11 October 2022, was refused by notice dated 6 December 2022.
 - The development proposed is for a side extension to ground, first and second floors and 2no rear dormers.
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Decision

1. The appeal is allowed and planning permission is granted for a side extension to ground, first and second floors and 2no rear dormers at 14 Anne Way, West Molesey KT8 2PT in accordance with the terms of the application Ref. 2022/3071, dated 11 October 2022 subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the following approved plan: 1586(22)–1 rev A.
 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.
 4. Prior to the first occupation of the development hereby permitted, the first-floor window on the northern elevation shall be glazed with obscure glass in accordance with Level 3 obscurity shown on the Pilkington Textured Glass Privacy Levels and only openable above a height of 1.7m above the internal floor level of the room that it serves. The window shall be permanently retained in that condition thereafter.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 16 and 20 Anne Way, with specific reference to light and outlook.

Reasons

3. The appeal proposal comprises the erection of a two and a half storey side extension over an existing single storey extension which is constructed up to the northern boundary shared with 3no blocks of flats, with each comprising 4no within them. The closest flats comprise 16 Anne Way on the ground floor and 20 Anne Way on the first floor, with their nearest windows serving kitchens.
4. Whilst it has not been demonstrated by the Council as such, I have no reason to doubt that the proposed extension would conflict with a 45° line when measured from the closest edge of the nearest windows of the aforementioned flats, however being kitchens, they do not normally constitute habitable rooms.
5. I consider that whilst oblique views would be truncated more than currently is the case, nonetheless direct (rearward) views across the communal amenity space would be maintained, along with views in a north-easterly direction. Therefore, on balance, I consider that the proposed development would not have a harmful impact upon the outlook from, or on the provision of light to, the closest windows of the 2no flats. Consequently, I find that the proposed development complies with Policy DM2 of the Elmbridge Development Management Plan 2015 which requires proposals to protect the amenity of adjoining and potential occupiers and users, requiring development proposals to be designed to offer an appropriate outlook and provide adequate daylight and sunlight.

Conclusion and Conditions

6. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
7. Other than the standard time limit condition the Council recommends that conditions are imposed that require the development to be carried out in accordance with the approved plans and that materials and finishes to be employed on the external faces of the development shall match the existing building. I consider these necessary in the interests of the character and appearance of the area. Furthermore, I consider it is necessary to ensure that the first-floor window on the northern elevation be obscurely glazed with no opening element below 1.7m above the first floor level, in the interests of protecting the living conditions of neighbouring residents from overlooking.

C J Tivey

INSPECTOR