

Appeal Decision

Site visit made on 22 May 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/P3610/D/23/3317582

The Whym, Windmill Lane, Epsom, Surrey KT11 1HY

- 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 Ms Monica Wang against the decision of Epsom and Ewell Borough Council.
 - The application Ref 22/01508/FLH, dated 9 September 2022, was refused by notice dated 9 December 2022.
 - The development proposed is for a two storey front extension, side dormer, dormer expansion windows replacement, floor plan redesign and all associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of neighbouring residential properties, with specific reference to privacy.

Reasons

3. The appeal dwelling comprises a chalet bungalow located within a backland location such that it has residential development on all sides and with no direct road frontage. A further dwelling, 42 Mill Road, is located to the north-west and is in a similar location.
4. Planning permission 18/00004/FLH was granted in July 2018 and remains extant due to its implementation. That particular proposal whilst materially different to the one that is before me, permitted the creation of a first floor bay window to serve what was then identified as Bedroom no3, also giving rise to access over the flat roof to the front of the dwelling thereby creating a roof terrace.
5. The current proposal would give rise to a forward extension of the front elevation, including the extension of the existing dormer roof extension found on the south eastern elevation. There exists one clear glazed window already which serves a bathroom, views from which into the rear gardens of properties fronting Denham Road are partially screened by existing boundary vegetation. The appeal proposal would see the creation of 2no additional windows serving a new proposed Bedroom no 3 and taking into account the fact that they would

only serve 1no Bedroom, much like for the first floor bay window in the 2018 scheme, I consider that when taking into account the removal of the roof terrace, that there would be no material increase in overlooking of the rear gardens of 9, 11 and 13 Denham Road than for the fall-back position, were the 2018 application proposal fully built out.

6. The omission of the roof terrace would give rise to some form of benefit particularly to the occupants of 24 Windmill Lane by removing one potential source of overlooking into their rear garden. However the material difference in respect to the main issue is such that the appeal proposal would also see the creation of a dormer roof extension constructed on the north western roof elevation with 4no windows, and the rearmost pair serving a proposed Bedroom no4/study. It is not clear from the plans whether or not it is the intention of the appellant to obscurely glaze any of these windows within this dormer and therefore I consider that by being in such close proximity to the boundary shared with no 42, that the proposal would give rise to an unreasonable level of overlooking of its private amenity space, and a consequent loss of privacy to its occupants. I say this notwithstanding the presence of pine trees along the boundary which would not provide an adequate shield in my opinion.
7. I note reference to other examples where dormer windows have been provided within 15m from a shared boundary, however each case must be determined on its own merits, notwithstanding that such recent approvals may appear to contradict the decision made regarding The Whym's planning application. I also accept that the extension has been designed to make better use of the existing built-up area and avoid encroaching onto undeveloped land with sustainable design features to be incorporated whilst providing additional space for the appellant's growing family. The scheme would also contribute to the local economy by supporting local trades and suppliers during the construction phase and it would protect the character and appearance of the area. These are all benefits in favour of the scheme, however I consider that they do not outweigh the harm, being a loss of privacy to the occupants of 42 Mill Road.
8. I therefore find the proposal conflicts with Policy DM10 of the Epsom and Ewell Borough Council Development Management Policies Document (2015) which requires development proposals to incorporate principles of good design and, amongst other things, have regard to the amenities of occupants and neighbours, including in terms of privacy.

Conclusion

9. Therefore, having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR