



Appeal Decision

Site visit made on 7 November 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 30th November 2023

Appeal Ref: APP/Z3635/D/23/3326072

48 Knightsbridge Crescent, Staines-upon-Thames, Surrey, TW18 2QR.

- 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 R Ansell against the decision of Spelthorne Borough Council.
 - The application Ref 23/00637/HOU, dated 16 May 2023, was refused by notice dated 11 July 2023.
 - The development proposed is the demolition of existing garage, covered area and single storey side extension. Construction of new two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage, covered area and single storey side extension. Construction of new two storey side extension at 48 Knightsbridge Crescent, Staines-upon-Thames, Surrey, TW18 2QR in accordance with the terms of the application, Ref 23/00637/HOU, dated 16 May 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 2340 BP10, OS01, SP01, SP10, AS11, AP11, AS10, AP10 and AP12.
 - 4) The existing ground levels shall not be raised on site within the area liable to flood other than in accordance with the approved details.
 - 5) All spoil and building materials stored on site before and after the development hereby approved has been completed shall be removed from the area of land liable to flood.
 - 6) The extension hereby permitted shall not be occupied until the window in the bathroom in the west elevation at first floor level has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the

window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. I consider the main issue to be the effect on the living conditions of neighbouring residential occupiers in terms of the potential for overlooking and loss of privacy.

Reasons

3. The appeal property, 48 Knightsbridge is a detached dwelling located off the head of the turning circle at the end of the cul-de-sac. The property backs on to and overlooks the rear of dwelling houses fronting Commercial Road, in particular numbers 164 and 166.
4. The appellants propose, following the demolition of the existing garage, covered area and a single storey extension, the construction of a two-storey side extension. The rear wall of the proposed extension would be aligned with the existing rear wall of the house.
5. The Council's *Design of Residential Extensions and New Residential Development* Supplementary Planning Document (Adopted April 2011) (SPD) is a material consideration, but it is only guidance, and it should not be applied to each and every property prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site. It advises, along with other things, that where houses are located back-to-back the separation distance between the rear elevations should be 21.0 metres, with a minimum rear garden depth of 10.5 metres.
6. The Council state that while the separation distance, rear wall to rear wall is in both cases in excess of 21.0 metres, the distance from the rear of number 48 to the common boundary line would be about 9.7 metres, i.e. just 0.8 metres or so less than recommended.
7. The Council assert that due to the first floor rear facing window proposed the shortfall in the separation distance to the boundary would have an unacceptable impact on the amenity of the neighbouring property, 164 Commercial Road, resulting in overlooking and loss of privacy in respect of the sitting out area/rear garden.
8. There are currently three first floor windows in the rear façade of the appeal property, two of which serve the family bathroom and the third a bedroom. The extension would result in just one additional first floor bedroom window. This window would be narrower than the existing bedroom window.
9. Based on my observations from the existing first floor rear facing bedroom window the occupiers of number 48 already have a clear view of the rear garden of number 164. As indeed I believe, due to the lack of any boundary screening, the occupiers of number 164 have over the rear garden of number 48. Accordingly, mutual overlooking between the properties already exists.
10. The view from the proposed new first floor bedroom window would be similar to that from the existing first floor windows. Indeed, from what I saw on site and given the existing relationship between the dwellings, I do not consider that if the separation distance were increased, by say setting the extension

back from the existing rear wall to meet the advice in the SPD, this would, in this case, reduce to any significant extent the potential for overlooking.

11. I do not believe, in this instance, that the proposed new bedroom window would give rise to such a significant increase in either actual or perceived overlooking as to result in harm to the living conditions of the neighbouring residential occupiers by reason of loss of privacy.
12. On balance therefore, and while acknowledging the proposal would not meet the guidance on separation distances set out in the SPD, I conclude that, in this case, the proposal would not cause significant harm to the living conditions of the occupiers of number 164 Commercial Road, in terms of overlooking or loss of privacy.
13. A window is also proposed at first floor level in the west elevation to serve the proposed new bathroom. As suggested by the Council I agree, as there are not currently any first floor windows in this façade, that it should be obscure glazed and non-openable below 1.7 metres to protect the privacy of the occupiers of number 50. This is a matter that if minded to allow the appeal could be conditioned.
14. For the reasons given I conclude in respect of the main issue that the proposal would not cause significant harm to the residential living conditions of neighbouring occupiers, in respect of overlooking or loss of privacy. The development would therefore accord with the objectives of Policy EN1 of the Spelthorne Borough Council Core Strategy and Development Plan Document (Adopted 26 February 2009) and the SPD as they seek to protect residential amenity.

Conditions

15. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
16. To ensure the private amenity of neighbouring occupiers I shall require the proposed new bathroom window in the west elevation to be non-openable below 1.7 metres and obscure glazed.
17. To prevent an increased risk of flooding due to the impedance of flood flows and the reduction in flood storage capacity I shall condition the raising of ground levels and the removal of spoil and building materials on completion of the development.
18. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR