

Appeal Decision

Site visit made on 15 January 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/A3655/D/23/3330489

2 Pearl Court, Woking, Surrey GU21 3QZ

- 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 Bartlomiej Gawlas against the decision of Woking Borough Council.
 - The application Ref PLAN/2023/0488, dated 31 May 2023, was refused by notice dated 27 July 2023.
 - The development proposed is for the erection of a single storey extension to the rear of terraced house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the 'Framework') was published in December 2023, but there are no material changes relevant to the substance of the appeal.

Main Issues

3. The main issues are the effect of the appeal proposal upon: the character and appearance of the area; the living conditions of the occupants of neighbouring residential properties, with specific reference to outlook; and the living conditions of existing and future occupants of the host dwelling, in terms of external amenity space provision.

Reasons

Character and Appearance

4. The appeal site is located within a tightly knit residential estate with itself forming the mid unit within a terrace of 3no dwellings. The majority of the dwellings are quite modest in their proportions and on the whole appear to have been built originally with adequate external amenity space.
5. One significant feature to note is a mature protected oak tree located within the centre of the rear of the appeal site which is highly visible from both Langmans Way and Pearl Court. Furthermore, whilst the proposed extension would be single storey, overall it would be relatively high and combined with its overall depth would be viewed in close proximity to the tree.

6. I note that the Council stipulate that the proposed extension would relate satisfactorily to the host dwelling itself, which I concur is of good design. However, it cannot be assessed in isolation, particularly bearing in mind its relatively exposed location which would be clearly viewed across intervening rear garden boundary treatments from the public highway.
7. I fully understand that the project aimed to enhance the living space for the appellant and his family, whilst incorporating sustainable and energy efficient features. However, by virtue of the overall scale of the scheme, in close proximity to the oak tree, I conclude that it would appear cramped and contrived within the plot. The scheme is contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012) (WCS) which, amongst other things, require developments to respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportion and layout of adjoining buildings and land.

Living Conditions – Neighbouring Properties

8. I note the appellant's comment with regard to domestic extensions that are permitted development¹ however any extension over 3m would be subject to a Prior Approval process and which would take into account the impact of the proposed development on the amenity of any adjoining premises.
9. I acknowledge that in terms of height that the proposal is relatively modest, being single storey in nature, however by virtue of its overall depth, it would cause a significant loss of outlook from the closest habitable room windows of both adjoining dwellings at 1 and 3 Pearl Court. Furthermore, the extension would also be overbearing upon the immediate rear sitting out area of both of these neighbouring dwellings.
10. Therefore, I find, by reason of the depth of the proposed extension and its close proximity to the side boundaries, that it would result in a significantly harmful and unacceptable overbearing impact upon the living conditions of the occupants of the neighbouring dwellings. I therefore find the proposal conflicts again with WCS Policy CS21 which also requires a satisfactory relationship to adjoining properties to be achieved, so as to avoid significant harmful impact in terms of an overbearing effect due to bulk, proximity or outlook.

Living Conditions – Host Dwelling

11. As highlighted earlier, the oak tree is a significant feature with its canopy stretching right up to the eaves of the host dwelling and effectively covering the extent of its rear garden. Combined with a shed at the end, if the extension were built, the appeal dwelling would end up with very little usable external amenity space.
12. I note that the Council's Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (SPD) advises that for dwellinghouses of two bedrooms or more and 70sqm more of gross floor space, a suitable area of private garden

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class A.

amenity in scale with the building should be provided, but generally no smaller than the building footprint.

13. The Council stipulates that the footprint of the dwelling as proposed to be extended would be 74sqm giving rise to a resulting garden size of 63sqm which does not appear to include the footprint of the shed. The appellant does not dispute these figures and overall I conclude that the proposal would leave insufficient private amenity space for the host dwelling and the consequent reduction in the size of the private amenity space would be detrimental to both existing and future occupiers of the appeal dwelling. Consequently, I find that the proposal is contrary to both the SPD and again WCS Policy CS21 that requires proposals for development to ensure that schemes provide appropriate levels of private amenity space.

Conclusion

14. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR