



Appeal Decision

Site visit made on 28 August 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/A3655/D/24/3342273

2 Watts Lea, Horsell Birch, Horsell, WOKING GU21 4XQ

- 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 Coen Basson against the decision of Woking Borough Council.
 - The application Ref PLAN/2023/0958.
 - The development proposed is the erection of a part two storey, part single storey rear extension following demolition of existing rear conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: - i) the living conditions of the occupiers of the neighbouring properties with particular regard to overbearing impact and loss of privacy; ii) trees; and iii) archaeology.

Reasons

3. 2 Watts Lea is part of a small cul de sac of properties which occupy a backland location between Darvel Close and Horsell Birch. The detached, two-storey property has an existing conservatory, and at the time of my site visit a rear dormer window was under construction.
4. The garden extends to the side of the property, and it shares a boundary with several properties in Darvel Close and Claydon Road. Directly to the rear is No.1 Darvel Close, a bungalow. The proposed extension would reduce the separation distance which would create a sense of visual enclosure to the rear of No. 1. However, extending across only half the width of the property and aligning with the part of the bungalow without the conservatory I do not find that this would be to the extent that it would have a significant overbearing impact. Nonetheless, the proposed first-floor window would allow for closer views over the neighbouring properties.
5. Currently, there is an outlook from the existing first-floor bedroom windows towards Nos.1 and 2 Darvel Close, and there is a general level of mutual overlooking between properties which, to a certain extent, is not unusual in a residential area. However, the separation distances would be reduced to below 20 metres, which, as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' Supplementary Planning Document (SPD) (2022) is the advised separation distance for privacy.

6. Whilst I acknowledge there is some flexibility in the separation distance, there is a height differential between the appeal property and No.1 Darvel Close, and unlike other nearby properties which benefit from a garden to the side or an angled plot, the rear garden to No.1 is limited in depth. The relationship with No.2 Darvel Close is at an angle although there would still be a line of sight towards the rear of the property.
7. Existing vegetation to the boundary would not fully negate intervisibility and there is no guarantee it would remain in place. Additionally, while the proposed extension would replace the conservatory which is of approximately the same depth, it does not have the same impact as a two-storey addition.
8. The appellant has suggested that the first-floor window to the rear elevation could be altered to obscure glazing or reduced in size, however, this would create a large bedroom with no window with an outlook for the occupiers. Moreover, there are no specific plans before me which illustrate these arrangements, and an appeal is not the process for making amendments.
9. There are no design or other provisions that lead me to consider that reducing the minimum separation distance would not lead to a loss of privacy for the occupiers of Nos. 1 and 2 Darvel Close both in terms of the window-to-window relationships and the overlooking of their gardens.
10. In conclusion, I find that the proposed extension would be harmful to the living conditions of the occupiers of the neighbouring properties. The proposal thereby conflicts with Woking Core Strategy (2012) (CS) Policy CS21, SPD - 'Outlook, Amenity, Privacy and Daylight' (2022), SPD – Woking Design (2015) and the National Planning Policy Framework (the Framework), with regard to achieving satisfactory relationships with adjoining properties and avoiding harmful impacts in terms of loss of privacy.

Trees

11. There are several trees within and adjacent to the appeal property's garden. Those closest to the proposed development are not protected by a Tree Preservation Order but they do provide a level of screening along the rear boundary and are part of the character of the area with both amenity and landscape value. No arboricultural information was submitted with the planning application and the distance between the proposed development and the trees/rear boundary is not substantial enough for me to conclude that there would be no impact on the trees. Accordingly, a condition just requiring the protection of the trees during construction would not be sufficient or appropriate.
12. It has not been demonstrated that the proposed development could be accommodated within the site without harm to the existing trees. The proposal, therefore, conflicts with Policies CS21 and CS24 of the CS, and Policy DM2 of the Development Management Policies Development Plan Document (2016) (DPD), which require the retention of trees with amenity value, to ensure that trees are adequately protected from development and to conserve the local landscape.
13. There would also be a conflict with the Woking Design SPD and the Framework which have similar objectives.

Archaeology

14. The appeal site is located within an identified area of High Archaeological Potential. While the appellant has advised that other extensions have been permitted in this area, there is no specific evidence before me which indicates that this proposal is unlikely to affect the archaeological significance of the area. I am therefore unable to conclude that the proposal would comply with CS policy CS20, Policy DM20 of DPD (2016) and the Framework. Together these seek to safeguard against adverse impacts on archaeology and require an archaeological assessment for sites within areas of High Archaeological Potential.
15. While I understand the appellant's frustration that the Council did not request this information or consult with the County Archaeologist, this does not indicate that there would be no impact. Additionally, as I have already found against the proposal on the other two main matters this issue is not determinative.

Other Matters

16. The appellant has drawn my attention to approved planning applications for development at No.2 Darvel Close and No.1 Watts Lea. The latter was for a side extension and therefore is not comparable in terms of seeking to reduce the rear separation distance and, the relationship between No.1 Watts Lea and its neighbours to the rear is different. Additionally, both proposals were accompanied by arboricultural information. While these indicate developments that were acceptable to the Council, each proposal is to be considered on its own merits with the supporting information relating to that specific site.

Conclusion

17. The proposed development would harm the living conditions of the occupiers of Nos.1 and 2 Darvel Close, whilst the development would not be overbearing, there would be overlooking creating a loss of privacy. In addition, there is no evidence before me to demonstrate that the proposal would appropriately protect the existing trees or the archaeological significance of the area. Therefore, the appeal is dismissed.

G Ellis

INSPECTOR