



Appeal Decision

Site visit made on 24 September 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/A3655/D/24/3346594

4 Chuters Close, Byfleet, West Byfleet, KT14 7QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Justin Lake against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0252.
 - The development proposed is construction of a loft conversion comprising of a rear dormer and front rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under the original permission for the Chuters Close development (Council's ref: 83/0348), and including the appeal property, permitted development rights for porches, extensions and garages were removed under Condition 4. As a result, planning permission is required for the proposal before me.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and on the local area,
 - b) The effect of the proposal on the living conditions of the neighbours at Nos 7 and 8 Melville Court, Binfield Road and Nos 107 and 109 High Road, with particular regard to overlooking and loss of privacy, and
 - c) Whether there would be satisfactory parking provision.

Reasons

Issue a) Character and appearance

4. The appeal property is a two storey, end of terrace residential dwelling within a small cul de sac development of short terraces and semi-detached properties within the settlement of Byfleet.
5. Whilst there are dormer extensions in the wider area, as seen on my site visit and as referenced by the appellant, my attention has not been drawn to any existing rear dormers within the immediate vicinity of Chuters Close. I have noted that there are rooflights on some properties. The proposed dormer would

occupy most of the rear roof slope of the appeal property. In the context of the scale of the property and its very modest plot, as well as the overall terrace, it would be a sizeable and very dominant addition to both the property and the terrace. Although it would not be seen from the front, it would be seen from neighbouring gardens and in those views, I consider that it would appear overly obtrusive.

6. I therefore conclude that the proposed development would materially harm the character and appearance of the existing property and of the local area. This would conflict with Policies CS21 and CS24 of the Woking Core Strategy (Core Strategy), the Council's Supplementary Planning Document: Woking Design (Design SPD) and the National Planning Policy Framework (Framework), and in particular Section 12, all of which, amongst other matters, seek a high quality of design which respects the local context.

Issue b) Living Conditions

7. The appeal property has three storey residential development to the rear and to the side. There are existing views towards these properties and their rear gardens from the first floor windows in the rear of the existing property.
8. The proposed windows in the rear dormer would not respect the separation distances set out in the Council's Supplementary Planning Document: Outlook, Amenity, Privacy and Daylight (Outlook, Amenity, Privacy and Daylight SPD). However, the SPD does indicate at paragraph 5.12 that these suggested separation distances may be relaxed by about one quarter where there is a significant change of angle of orientation between the siting of dwellings opposite (over 30 degrees). Although the angle of orientation has not been confirmed, this would appear to be the situation in terms of the relationship between the appeal property and the residential dwellings on High Road.
9. Taking into account the existing extent of overlooking from the first floor windows as well as the relationship and orientation with the surrounding properties I do not consider that the existing situation would be materially exacerbated as a result of the proposal.
10. I therefore conclude that the proposal would not materially harm the living conditions of the neighbours at Nos 7 and 8 Melville Court, Binfield Road and Nos 107 and 109 High Road, with particular regard to overlooking and loss of privacy. There would be no conflict with Policy CS21 of the Core Strategy, the Design SPD and the Framework and in particular paragraph 135 f), all of which, amongst other matters, seek a high quality of design which respects the amenities of existing and future occupiers.
11. I have noted that the proposal would not fully comply with the recommendations on separation distances in the Outlook, Amenity, Privacy and Daylight SPD. However, in the particular circumstances of this case and taking into account the existing situation, I consider that there would be justification for an exception to be made to these parts of the SPD.

Issue c) Parking Provision

12. The proposed development would introduce a further bedroom to the property. Whilst the existing third bedroom is small and I have noted that it falls below the current minimum space standard for a bedroom, I still consider that it could serve as a bedroom and therefore the property would become a four-

- bedroom property, with the proposal before me. Under the Council's Parking Standards set out in the Supplementary Planning Document: Parking Standards 2018 (Parking Standards SPD), three spaces are required to serve a four-bedroom property.
13. The appellant has stated that the property is served by two parking bays at the front of the property and a garage in the garage block within the Close. The Parking Standards SPD indicates that garages only contribute 50% towards overall parking provision and to be counted, they should be a minimum net internal size of 6m x 3m. There is no information before me to confirm whether the garage meets these minimum requirements.
14. At the time of my site visit, on street parking within Chuters Close was very busy albeit there were spaces available in the parking spaces directly in front of the terrace of which this appeal property forms a part. Taking into account the parking stress I saw, which is also confirmed by the Council, I am not persuaded on the information before me, that the proposal would be satisfactory in terms of parking provision and the amenities of the area.
15. I therefore conclude that the proposed development would not provide satisfactory levels of parking to serve the property as proposed to be extended with a resultant detrimental effect on the amenities of the local area. This would conflict with Policies CS18 and CS21 of the Core Strategy, the Parking Standards SPD and the Framework, and in particular paragraph 135 f), with particular regard to ensuring a satisfactory living environment for all existing and future occupiers.

Conclusion

16. I have found that there would be no material harm to the living conditions of the neighbours at the rear with particular regard to overlooking and loss of privacy. However, this finding does not outweigh the harm I have concluded to the character and appearance of the existing dwelling and of the local area as well as in terms of parking provision.
17. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR