



Appeal Decision

Site visit made on 9 December 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/K3605/D/24/3350537

36A Queens Road, Weybridge KT13 0AT

- 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 & Mrs S Best against the decision of Elmbridge Borough Council.
 - The application Ref 2024/0895.
 - The development proposed is for a two storey front extension, part two/part single-storey rear extension, rear dormer window, side rooflights and alterations to fenestration.
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey front extension, part two/part single-storey rear extension, rear dormer window, side rooflights and alterations to fenestration at 36A Queens Road, Weybridge KT13 0AT, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out with the following plans: EX-00A Location and Site Plans, PD-51d Proposed Ground Floor Plan, PD-52e Proposed First Floor Plan, PD-53c Proposed Roof Plan, PD-55d Proposed Front and Rear Elevations and PD-56d Proposed Side Elevations
 - 3) 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.
 - 4) No development including groundworks and demolition and no equipment, machinery, or materials to be brought onto site for the purposes of the development until the tree protection measures have been installed in accordance with the tree protection plan and method statements set out in report prepared by Challice Consulting Limited (ref AR5437) dated 28 March 2024. All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced) and maintained for the course of the development.
 - 5) The proposed first-floor windows in the east elevation of the development hereby permitted shall be fitted with obscured glazing, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of Clevehurst with particular regard to light and overbearing impact.

Reasons

3. The appeal property is a detached house of a traditional form set back from the road with a long rear garden. The neighbouring property to the west is a block of flats, Clevehurst, with accommodation over three floors. It is a deep building extending some distance beyond the rear elevation of the appeal property and has several windows in its side elevation, including dormer windows, which face towards No.36A.
4. Clevehurst is set at an angle to the shared boundary, creating a splayed relationship between the two properties and as such, there is greater separation to the rear. The proposed two-storey rear extension is to be positioned centrally, with the pitched roof form extending up to the existing ridge line. It would, therefore, be positioned away from the boundary, and the flank elevation of this element is to contain no windows other than roof lights.
5. The annotated plans demonstrate that the 25-degree rule, used where development is proposed opposite, as in this case, to assess the sightline and if light to an existing window may be affected, is not breached.
6. While the Council refer to the 45-degree test, the relationship between the properties is not side by side and, therefore, it is not the typical arrangement for applying this angle from the neighbour's window. The Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions (SPD) does suggest that the test should also apply to side-facing windows. Nonetheless, it is a tool to aid the assessment of development and does not seek to restrict all two-storey development within 15m of a window. Moreover, as the SPD advises, specific site characteristics need to be considered, and proposals are to be assessed on their own merits.
7. In this case, the existing separation between the facing elevations of the two properties is less than 15m, and the two-storey element of the proposed rear extension would not project more than 3m. Furthermore, the appellant's Daylight and Sunlight Assessment, which provides a more detailed assessment than the 45-degree "rule of thumb", demonstrates that the vertical sky component for each window is in excess of 80% of their current values and meets the BRE Guidance.
8. As already noted, the two-storey element is set away from the boundary with a sloped roof. It would be visible in views from the side windows of the neighbouring property, although I do not find the proximity, or the form of the development would be harmfully imposing. I am also aware that there is an extant consent established through a Lawful Development Certificate (Council reference 2024/0817) for a two-storey rear extension of the same depth. Additionally, the single-storey extension, whilst having a deeper projection, would not significantly exceed the height of the boundary fence, and there is also landscaping along the edge of both gardens.
9. Therefore, from the evidence before me and my observations on site, I do not find that the proposed development would unduly impact the living conditions of the occupiers of Clevehurst with regard to a material loss of light or having

an overbearing impact. Accordingly, the proposal would accord with policy DM2 of the Elmbridge Local Plan - Development Management Plan 2015 and the SPD as a whole, which, amongst other things, seek to protect the amenity of adjoining and potential occupiers of development.

10. The Council found that the design and scale of the proposed development would be appropriate for the existing property and the character of the area, and I have no reason to disagree.

Conditions

11. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development and certainty in relation to the plans. In the interest of the appearance of the property and the character of the area, it is necessary to secure materials to match the existing.
12. Conditions are also required to protect the existing trees during construction and to ensure the privacy of the neighbouring occupiers with obscure glazing restrictions to the first-floor side windows (east elevation).

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

G Ellis

INSPECTOR