



Appeal Decision

Site visit made on 24 January 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/Q3630/W/24/3347684

2 Parsonage Road, Englefield Green, Egham TW20 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Amanda Tyler against the decision of Runnymede Borough Council.
 - The application Ref RU.23/0677 was approved on 30 April 2024 and planning permission was granted subject to conditions.
 - The development permitted is a first-floor rear extension and enlargement to an existing rear first floor balcony.
 - The condition in dispute is No 4 which states that: *"Before the first occupation of the extension hereby permitted, the two windows in the first floor north-facing side elevation catering the corridor and bedroom and the two windows located on the first floor south-facing side elevation catering the bathroom and larger bedroom shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent) and any part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter"*.
 - The reason given for the condition is: *"To avoid overlooking into the adjoining property and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF"*.
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Decision

1. The appeal is allowed and the planning permission Ref RU.23/0677 for a first-floor rear extension and enlargement to an existing rear first floor balcony at 2 Parsonage Road, Egham TW20 0JW granted on 30 April 2024 by Runnymede Borough Council, is varied by deleting condition 4 and substituting it for the following condition:
 - 1) Before the first occupation of the extension hereby permitted the two windows in the first floor north-facing side elevation serving the corridor and bedroom shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent), and any part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Procedural Matters

2. The Government published a revised National Planning Policy Framework ("the Framework") in December 2024. However, the policies relevant to the substance of this appeal are not materially different and therefore I have not deemed it necessary to seek the parties' views on the revised document.
3. I cannot be satisfied on the evidence before me that the photograph taken from the garden of Number 4 Parsonage Road, that purports to show the approved positions of the windows in the first floor north-facing side elevation of the

extension is an accurate representation. Therefore, it has not influenced my assessment of this appeal.

Background and Main Issue

4. The appellant seeks the removal of condition 4 of the planning permission to enable the approved development to be carried out without compliance with it. Based on the evidence before me, the main issue is whether the condition is necessary in order to protect the living conditions of the occupiers of Number 4 Parsonage Road and Number 86 Harvest Road, with regard to privacy.

Reasons

Number 4 Parsonage Road

5. There appear to be no upper floor windows in the side wall of Number 12 Parsonage Road that directly face the rear garden of Number 4 Parsonage Road (Number 4) and I have not been made aware of any. Views out of the existing rear facing bedroom and bathroom windows in the appeal property are restricted to the rear most part of the garden of Number 4 by the forwards position of its rear wall, relative to that of the appeal property.
6. Mutual overlooking can be a characteristic of residential areas. However, in the present case views looking down into the area of garden near to the rear wall of Number 4, which includes a patio area covering most of its width, cannot be readily obtained from the upper floor rooms of nearby properties. This means that occupants using this part of the garden of Number 4, are currently provided with a high standard of privacy.
7. It therefore follows that this part of the garden of Number 4, which is not limited solely to the small existing seating area, is likely to be highly valued for relaxation and recreation by its occupants. I have not been provided with any evidence to suggest that Policy EE1 of the Runnymede 2030 Local Plan Adopted July 2020 (RLP), which requires development to cause no adverse impact on the amenities of occupiers, would apply only to this formalised outdoor seating area, which could be moved to a different position, including within the patio area.
8. The upper floor east facing bedroom windows and Juliet balcony in the approved extension would not, given their relative positions, significantly change the extent of the rear garden of Number 4 that would be visible from the appeal property. However, the approved extension's first floor windows serving the corridor and bedroom would be fitted in good sized apertures to face the common boundary with Number 4. The bedroom window would be set forwards of the rear wall of Number 4, in direct alignment with the area of garden near to its rear wall, which includes the patio. The corridor window would be set slightly further back from the rear wall of Number 4, and closer to the existing 2 storey rear wall of the appeal property.
9. Given the relative positions of those windows to Number 4, and the field of vision looking out through them, I am satisfied that in the absence of obscure glazing and the restriction on opening parts, occupiers of the approved extension would be able to obtain relatively direct angle views down into the area of garden near to the rear wall of Number 4, which includes the patio. These views would be from

elevated vantage points across relatively short distances and over the common boundary wall and trellis.

10. The vegetation currently growing up and over parts of the boundary would not provide any material screening of these views. Vegetation growth is seasonal. However, there is limited evidence before me to demonstrate that this vegetation would grow to provide an impenetrable barrier to such elevated short distance views from these windows, or that its long-term retention could be secured.
11. Consequently, without the disputed condition, the views that would be obtained from these windows would lead to a significantly harmful level of overlooking and loss of privacy for the occupiers of Number 4, together with a perception of being overlooked.
12. Whilst the bedroom may function as an 'extra bedroom', with only short periods of occupation, I cannot be satisfied that this intention would not change or that a future occupier may choose to occupy the bedroom differently. I have not been made aware of any mechanism that would restrict how occupants could use a bedroom. Use of the corridor would be intermittent. However, without the disputed condition, the window serving it would nonetheless allow occupiers to obtain views of the garden of Number 4 that I have described above, contributing to a harmful loss of privacy.
13. The distance between the north facing windows in the approved extension and the boundary with Number 4, appears markedly shorter than that between the windows in the east facing wall of the approved extension and the boundary with Number 12 Parsonage Road. As such, they are not directly comparable relationships. Numerical separation distances between properties and windows can be a useful indicator in assessing the effects of overlooking. However, I have not been referred to any policy or guidance that sets minimum separation distances and I have assessed the proposal based on the evidence before me and my experiences at the site visit.
14. I am not satisfied on the evidence before me that imposing a condition requiring shutters/blinds to be fitted to the windows would be reasonable or effective. Their regular operation would place an onerous lasting burden on the property's occupiers and would be difficult to enforce. Therefore, I am not satisfied that the harm arising from overlooking from the windows in question could be adequately mitigated by such a condition.
15. Consequently, the disputed condition insofar as it relates to the north facing windows in the approved extension is necessary to protect the living conditions of the occupiers of Number 4 Parsonage Road with regard to privacy. Without this condition the development would conflict with RLP Policy EE1, the requirements of which are set out above, and Framework Paragraph 135, which requires development to create places with a high standard of amenity for existing users.

Number 86 Harvest Road

16. There is an existing first floor balcony on the south facing elevation of the appeal property which faces Number 86 Harvest Road (Number 86). This provides occupiers of the appeal property with an elevated outdoor vantage point from which to obtain a view at a relatively short distance down into the rear garden of Number 86.

17. The upper floor bedroom window in the south facing elevation of the approved extension would be a sizeable window that is not subject to any restriction on its glazing or the parts that can be opened. It would therefore allow elevated views of the garden and rear wall of Number 86 to be obtained across a relatively short distance. Occupiers of Number 86 would therefore experience noticeable overlooking from the appeal property, particularly when the row of deciduous trees growing along the boundary are not in leaf.
18. The upper floor south facing windows serving the bathroom and largest bedroom in the approved extension would face the rear most part of the garden of Number 86. However, in the absence of the disputed condition the views obtained from those windows would not be markedly different to those from the smaller bedroom, whilst being considerably narrower than those from the balcony, which has permission to be enlarged.
19. Taking all the above into account, I am satisfied that without obscure glazing or any restriction on opening parts, the south facing windows serving the bathroom and largest bedroom in the approved extension, would not result in a harmful increase in overlooking and loss of privacy for the occupiers of Number 86. The same conclusion applies to Number 87a, which is set much further back from Number 86, behind an area of front garden with vehicle parking.
20. Consequently, insofar as it relates to the south facing windows in the approved extension, the disputed condition is unnecessary to protect the living conditions of the occupiers of Number 86, and ensure compliance with RLP Policy EE1 and Framework Paragraph 135, the requirements of which are set out above.

Other Matters

21. Whether the existing side facing bathroom window in Number 4, which appears to be obscurely glazed, meets the Council's guidelines on privacy is not a matter for me to resolve in this appeal.
22. Only a small proportion of the windows in the rear wing of the appeal property would need to be obscurely glazed because of my decision. None of the large traditional sash windows within its main 2 storey core would be altered. Obscure glazing would have a subtle visual effect that would not harm the appeal property's character and appearance, and the Council reached a similar conclusion in granting planning permission.
23. There are no first floor windows in the side wall of Number 86 that face the appeal property. As such, the relationship between it and the appeal property is not comparable to that between the appeal property and Number 4 and does not alter my conclusions in this appeal.
24. Details of the planning permission for Arista Court are not before me in evidence. Therefore, I am not aware of the circumstances that resulted in its approval and resultant close physical relationship with Number 86, nor whether they are comparable to those in the appeal before me.
25. In my experience rear gardens are normally subject to higher expectations for privacy than front gardens which face onto public roads. There are clear glazed windows in the side wall of Arista Court that face the front garden of the appeal property. However, this relationship is not comparable with the appeal proposal

and Number 4, which relates to upper floor windows facing a rear garden. Whether the approval of Arista Court relied upon natural screening by trees and vegetation is of limited relevance to my assessment in this appeal. Even if it did, there is relatively limited planting on the common boundary between the appeal property and Number 4, to justify a similar finding. For these reasons, Arista Court and its relationship with the properties around it has limited relevance and weight to my considerations in this appeal.

26. An absence of objections to the proposed removal of the disputed condition, other than from the occupier of Number 4, is a neutral factor that does not weigh in its favour. Delays in the Council's determination of the appeal planning application is a matter between the appellant and the Council that has not influenced my consideration of the planning merits of this appeal.

Conditions

27. In order to protect the living conditions of the occupiers of Number 4, it is necessary and reasonable to require the two windows in the first floor north-facing side elevation serving the corridor and bedroom to be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent) and for no part of those windows that are less than 1.7 metres above to be capable of being opened. Therefore, I will vary the planning permission by deleting condition 4 and substituting it for the condition set out in paragraph 1 of this decision.

Conclusion

28. For the reasons given above I conclude that the appeal should succeed in the terms stated in my decision.

G Sylvester

INSPECTOR