



Appeal Decision

Site visit made on 20 December 2024 by A Conteh

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/Z3635/D/24/3353807

1 The Coppice, Ashford, Surrey TW15 2BP

- 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 Matthew Bullen against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00846/HOU.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 1 The Coppice, Ashford, Surrey, TW15 2BP in accordance with the terms of the application, Ref 24/00846/HOU, and the plans submitted with it, 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 hereby permitted shall be carried out in accordance with drawing no 10.002, including the materials specified thereon.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the living conditions of the occupants of 8b School Road, with particular regard to outlook and sunlight.

Reasons for the Recommendation

4. The appeal site consists of a two-storey terraced dwelling with a single storey side extension, positioned at an angle to 8b School Road. The appeal site's gardens consist of a wide grass space situated adjacent to the dwelling at 8b School Road and a patio which follows along the rear of the appeal property. No 8b has a small rear garden enclosed by fences and a tall hedge on the boundary furthest from the appeal site. The rear of No 8b and its garden therefore have a limited outlook.
5. The Council refers to minimum separation distances between dwellings in its officer report, as referenced in the Design of Residential Extensions and New Residential Development Supplementary Planning Document (2011) (SPD). However, these

are not fully applicable in this situation as the appeal property and neighbouring property are skewed at an angle toward one another. Therefore, their relationship does not fall into any of the types shown in the SPD. Paragraph 3.15 of the SPD acknowledges that a lesser impact on outlook may arise in such circumstances.

6. The proposed development would add height but stay within the footprint of the existing side extension. This means that the substantial gap between the extension and No 8b would remain, with only the corner coming closer to the shared boundary. While the proposed development would be clearly visible from the garden of No 8b, being set away from the side boundary it would not be so close as to appear overbearing or create an inappropriate level of enclosure. Therefore, the living conditions of the occupants of 8b School Road would not be significantly harmed in relation to outlook.
7. The relationship between the two dwellings means that as the sun rises, No 1 shades the garden of No 8b, and as the sun sets, No 8b shades its own garden. During the middle of the day the gap between the properties allows for some sunlight to reach the garden of No 8b.
8. The first floor created by the proposed development would result in some additional shading of the garden of No 8b mid-morning, but only for a relatively short period and not for a substantial proportion of the day. Therefore, the proposal would result in limited additional shading of No 8b and would not result in a significant harmful impact in this respect. Consequently, it would not result significant harm to the living conditions of the occupants in respect of sunlight.
9. For the above reasons, the proposed development would not result in significant harm to the living conditions of the occupants of 8b School Road with particular regard to outlook and sunlight. I therefore find that this proposal complies with Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document (2009). I also find no conflict with the SPD which aims to avoid significant harm to the amenity of adjoining occupiers

Other Matters

10. A neighbour has raised concerns about the display of a site notice during the application process, however there is no substantive evidence before me that they were not correctly notified of the application, and I note that they have had the opportunity to comment. This has not therefore been determinative in my recommendation.

Conditions

11. Conditions related to the time limit on commencement and compliance with the approved plans are necessary in the interest of certainty. Matching materials are necessary in the interests of the character and appearance of the area, however as these are specified on the proposed plan, this will be secured by the plans condition.
12. The Council has suggested a condition which effectively seeks to remove permitted development rights for future windows in the rear and side of the proposed extension, to safeguard the privacy of neighbours. To be permitted development, any new side windows above ground floor level would have to be obscured glazed and fixed shut below eye level. Therefore, they would not result in any overlooking

of No 8b. A first-floor rear window in the proposed extension would have a view towards the end of the rear garden of No 8b, however that area is already overlooked by existing neighbouring rear first-floor windows. Therefore, an additional window in the proposed extension would not significantly or harmfully increase overlooking to the detriment of the privacy of the occupants of No 8b. Consequently, the suggested condition is not necessary.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

A Conteh

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR