



Appeal Decision

Site visit made on 18 July 2025

by **Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/K3605/D/25/3366075

63 Westcar Lane, Hersham, Walton-On-Thames, KT12 5ES

- 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 & Mrs John & Morag Mitchell against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2844.
 - The development proposed is for the demolition of existing single storey garage and erection of two storey side extension/ single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey garage and erection of two storey side extension/ single storey rear extension at 63 Westcar Lane, Hersham, Walton-On-Thames, KT12 5ES in accordance with the terms of the application, 2024/2844, subject to the conditions set out below.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23355-P101, 23355-P102, 23355-P103, 23355-P104, 23355-P105, 23355-P106, 23355-P107, 23355-P108, 23355-P109, 23355-P110, 23355-P111, 23355-P112, 23355-P113.
 - 3) The materials and finishes to be used in the construction of the external surfaces of the extensions hereby permitted shall match those of the existing dwelling.
 - 4) The two story side extension hereby permitted shall not be occupied until the first floor en-suite windows in the north elevation have been fitted with obscured glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and no part of 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 obscure glazing and restricted opening shall be retained thereafter

Application for costs

2. An application for costs was made by Mr & Mrs John and Morag Mitchell against Elmbridge Borough Council and this is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 61 Westcar Lane (No.61) with particular regard to visual impact, privacy and daylight.

Reasons

4. The appeal property is located within a series of short rows of uniformly designed detached and pairs of semi-detached family houses. Some of the semi-detached houses have had two storey side extensions which has reduced the gaps above ground floor level between the buildings. The appeal property comprises one of a pair of dwellings with side extensions. However, the appeal property occupies a particularly wide plot and there is a wide gap between the appeal dwelling and its boundary with No.61. At ground floor level this gap is partially filled by a flat roofed garage which is sited immediately adjacent to the boundary with No.61 and a greenhouse to the rear of the garage.
5. The dwelling at No.61 is one of two uniformly designed modern detached houses located between the appeal site and junction with Frith Knowle. Beyond the junction there are two further detached houses of the same design. These houses all have comparatively small gaps between them to facilitate pedestrian side accesses and include windows and a door in at least one of their side elevations.
6. The house at No.61 sits at a slightly lower level to the appeal dwelling and has two windows and a side kitchen door with an obscure glazed sealed window in its side elevation which faces the appeal site. The existing first floor window is obscure glazed and serves a bathroom and the ground floor window is a modest sized secondary window to an open plan "L" shaped living area, which has two large windows facing into the rear garden. The existing side window and half glazed kitchen door face directly at the existing tall boundary fence and the upper part of the flat roofed garage on the appeal site. This garage is utilitarian and unattractive in appearance and its roof appears to slightly overhang the boundary with No.61. Due to its combined height, width, and proximity it dominates the outlook from the side living room window, kitchen doorway and associated access.
7. Amongst other things policy DM2 of the Elmbridge Development Management Plan 2015 (DMP) states that proposals should be designed to offer an appropriate outlook and provide adequate privacy and daylight for the occupiers of adjoining properties. The Elmbridge Design and Character Supplementary Planning Document 2012 – Companion Guide: Home Extensions (SPD) Home Extensions, advises that a 45° angle test applies to two storey extensions which are closer than 15 metres measured along a sight line from the neighbour's window, (8 metres in relation to single storey extensions that project more than 3 metres).
8. The proposed side extension would be sited more than one metre from the side boundary with No.61 and the gap between the two dwellings would be in excess of two metres. It would be comparable to the width of the gaps between 55 & 57 and 59 & 61 Westcar Lane, as well as the gaps between other pairs of houses along Westcar Lane, which have windows in their side elevations.
9. The two-storey element of the side extension would be in line with the front and rear building lines of the dwelling at No.61. The rear single storey extension would extend some four metres to the rear of the dwelling at No.61 and would fall outside

the 45° sight line of the closest rear window at No.61. The single storey front extension would extend a very short distance beyond the existing front building lines and would similarly fall outside the 45° site line of the closest window at No.61.

10. As with the existing garage the proposed two storey side extension would dominate the outlook from the ground floor side facing window and kitchen doorway at No.61. Whilst the side wall of the proposed extension would be more expansive it would be set in from the boundary with No.61. This would result in a greater sense of separation between the two dwellings in the outlook from the ground floor living room window and when accessing the side kitchen door. Of more importance the living room and kitchen at No.61 would continue to benefit from open aspects to the front and rear of the dwelling.
11. The outlook from the first-floor bathroom window when open would also face directly at the flank wall of the proposed two storey extension. However, it is not unusual for bathroom or secondary windows to be placed in the flank walls of adjacent dwellings.
12. The ground floor side window and door at No.61 already experience restricted daylight and sunlight. This is due to the proximity of the existing adjacent garage and the appeal dwelling, which are located to the south of No.61. With the proposal the level of overshadowing and loss of daylight would increase and would also affect the first-floor bathroom window to a lesser degree. Despite this, due to their open westerly and easterly aspects, the main living room and kitchen would continue to receive good levels of daylight and sunlight. Having regard to the functional nature of the first-floor bathroom and the large windows serving the attached bedroom this impact would not be significant.
13. Regarding privacy the proposed side kitchen window and utility door would face towards the tall fence between the two dwellings and so would not result in any direct inter-looking. As suggested by the council a condition could be imposed which requires the first-floor en-suite windows to be obscure glazed and fixed shut. This would prevent any over-looking from the proposed en-suite windows. However, I do feel that for the entire windows to be fixed shut would be excessive and unnecessary. Instead, a condition which requires them to be obscure glazed and fixed shut be low a height of 1.7 metres above the floor levels of the en-suite rooms concerned would be adequate to secure reasonable privacy for the occupiers of both dwellings.
14. The proposed first floor rear bedroom window would be sited approximately two metres from the boundary with No.61 and the main outlook from it would be over the rear garden of the appeal dwelling. Whilst there would be oblique views over parts of the rear garden at No.61, this would be mutual and typical of most two storey housing estates.
15. For these reasons, both individually and cumulatively the negative impacts of the proposal would not have an unduly harmful or unacceptable impact on the living conditions of the occupiers of No.61. They would continue to benefit from favourable open westerly and easterly aspects and good levels of daylight, sunlight, and privacy.

16. I conclude on the main issue that the proposal would not have an unacceptable impact on the living conditions of the occupiers of No.61 due to visual impact, or loss of privacy, daylight, or sunlight. Accordingly, it would comply with DMP Policy DM2.

Other matters and conditions

17. In terms of siting, form, bulk, design, and materials the proposed extensions would respect the host dwelling, the pair of dwellings and the street scene. The flat crown roof would not be evident from the street scene and the proposed ground floor front projection and associated pitched roof picks up on similar detailing within this part of Westcar Lane.
18. Finally, in addition to the obscure glazing condition, the council has suggested the imposition of conditions relating to the use of matching external materials and adherence to the submitted drawings. I agree that these conditions are necessary to ensure the proposal respects the host dwelling and the street scene and in the interests of certainty.

Conclusion

19. Having regard to my conclusions on the main issue and all other matters raised the appeal is allowed.

Elizabeth Lawrence

INSPECTOR