



Appeal Decision

Site visit made on 21 November 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2025

Appeal Ref: APP/Z3635/D/25/3374806

23 Oaks Road, Stanwell, Surrey TW19 7JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Babar and Surbeer Singh against the decision of Spelthorne Borough Council.
 - The application Ref is 25/00956/PDH.
 - The development proposed is a 6 metres single storey rear extension behind original house outer rear wall.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a 6 metres single storey rear extension behind original house outer rear wall, at 23 Oaks Road, Stanwell, Surrey TW19 7JU, in accordance with the application, Ref 25/00956/PDH, dated 25 July 2025, and the drawings PL1/SM/3246-01, PL1/SM/3246-02, PL1/SM/3246-03, PL1/SM/3246-04, PL1/SM/3246-05, and PL1/SM/3246-00 Revision A, submitted pursuant to Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4(2).

Preliminary Matter

2. In granting prior approval, I have taken the description of the proposal from the appellants' application form. However, I have had regard to the more detailed description used by the Council in its public notification of the application, which includes the dimensions of the proposal.

Background and Main Issue

3. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ("the GPDO") grants planning permission for the enlargement of a dwellinghouse subject to the limitations in A.1. and A.2., and the conditions in A.3. and A.4. Those in A.2. are not relevant as the appeal site is not on Article 2(3) land¹.
4. In this instance there is no dispute between the main parties that the proposed development would meet the limitations set out in A.1., with the exception of the limits in paragraph A.1(f), which would be exceeded. However, as the limits in paragraph A.1(g), would not be exceeded, the development is allowed by A.4.,

¹ Includes Conservation Areas

subject to the conditions set out therein, including the prior approval provisions. Based on the evidence before me, I have no reason to reach a different view.

5. In accordance with those conditions the local planning authority notified each adjoining owner or occupier about the proposed development and took account of the representations received. The appellants state that objections were received from neighbours at the rear of the property, but not the adjoining property at Number 21 Oaks Road ("Number 21"). However, that does not affect the requirement of the local planning authority to consider the impact of the proposed development on the amenity of all adjoining premises, not just those which are the subject of representations. In doing so the local planning authority refused prior approval under A.4.(7) on the basis that the proposed development would have an overbearing and adverse impact on the amenities of Number 21.
6. Accordingly, the main issue in this appeal is the effect of the proposed development on the amenity of all adjoining premises, with particular regard to the outlook from Number 21.

Reasons

7. There is no dispute that the proposed extension would extend some 6 metres in depth beyond the original rear wall of the appeal dwelling and alongside the rear garden boundary of the attached dwelling at Number 21. The outlook from the clear glazed windows and doors in the rear wall of Number 21, which appear to serve habitable rooms, including a kitchen, are primarily out and across the property's relatively long garden.
8. In views from out of those windows and from the garden of Number 21, the proposed development would be visible above the existing relatively tall boundary wall. However, given the relatively modest single storey height of the proposed extension, the amount of its built form that would be visible to the occupiers of Number 21 in those views would not be overbearing and harmful to their outlook. The principal outlook from out of those windows and across the rear garden would largely remain the same with the proposed development in place.
9. Furthermore, given the relationship between the scale of the proposed development and the path of the sun as it moves through the sky, I am satisfied that the occupiers of Number 21 would not suffer a harmful loss of light or overshadowing of their property. Being single storey and with the screening effects of the boundaries, views from out of the proposed extension would not cause a harmful loss of privacy for the occupiers of Number 21.
10. Apart from Number 21, the Council raise no concerns regarding the effect of the proposal on the living conditions of any other adjoining premises. Nonetheless, I have had regard to the amenity of all other adjoining properties, taking account of any effects on the outlook of the occupiers of those properties, their privacy and access to light/overshadowing. I am satisfied that the proposal would not harm the living conditions of their occupiers given the relationship between its scale and the distances that would separate it from those other adjoining properties. I have no basis to disagree with the Council that the retained garden at the appeal property would comply with the limitation in A.1.(b) of Part 1 of the GPDO.

11. Design guidance in the Supplementary Planning Document (SPD)² is a material consideration. It states that the height of a flat roofed single storey extension near the boundary of a property should not normally exceed 3 metres, and the depth of such an extension would usually be acceptable up to 4 metres. Both of those measurements would be exceeded by the proposed development, marginally so in respect of its height closest to the host dwelling's rear wall, resulting in a conflict with those technical aspects of the SPD.
12. However, for the reasons given above, the proposal would be consistent with the overarching principles in the SPD for extensions, which includes avoiding being over-dominant and creating inappropriate levels of enclosure to any nearby property. Taking account of the matters raised and for the reasons given above, I conclude that the proposal would not be harmful to the amenity of the adjoining premises, with particular regard to the occupiers' outlook from Number 21.
13. For those reasons, and so far as material to this appeal, the proposed development would not conflict with Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document Adopted 2009, which require development to, amongst others, achieve a satisfactory relationship to adjoining properties, including avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity to outlook. I also find no conflict with the substantially similar policy objectives of the second limb of Policy PS2 of the emerging Spelthorne Local Plan 2022 – 2037.
14. Insofar as material to the prior approval matters, for those same reasons, there would be no conflict with Paragraph 135 of the National Planning Policy Framework, which amongst others requires planning decisions to create places with a high standard of amenity for existing users.

Other Matters

15. Given the scale of the proposal, I am satisfied that noise and disturbance from construction activities would be for a temporary period and would not cause unacceptable effects on the living conditions of adjoining occupiers. Even if car parking was a prior approval matter, the evidence before me does not demonstrate that the area suffers unacceptable parking pressure, or that the proposal would generate an additional demand for car parking that could not be accommodated on nearby streets. Although just a snapshot in time, I was able to park on the adjacent road at the time of my site visit.
16. The proposed development would barely be visible in street level views. Its effect on the appearance of the area, as distinct from the outlook of adjoining occupiers, is not a prior approval matter in this appeal. The Council has separate powers to deal with untidy land. The evidence before me does not indicate that the appeal property is, or would be, occupied as a home in multiple occupancy, or whether the existing garage is used as living accommodation. Neither have any bearing on my consideration of the prior approval matters in this appeal.
17. Drainage is not, in my judgement, a prior approval matter in this instance. In any case there is no substantive evidence to demonstrate such infrastructure would not have capacity to cope with the additional pressure from what is a relatively modest extension to a house.

² Spelthorne Design of Residential Extensions and New Residential Development Supplementary Planning Document

18. Prior approval was not required by the local planning authority for a previous extension to the appeal property³ that is described by the appellants as the same as this one. However, the assessment of its impact on the amenity of adjoining premises by the local planning authority under the GPDO was prohibited by an absence of objections from owners or occupiers. As such, the previous extension was subject to a materially different assessment process and therefore it has no bearing on my determination of this appeal.

Conditions

19. The planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO is subject to the relevant conditions in A.3. and A.4. In this instance I am satisfied that no further conditions are necessary.

Conclusion

20. For the reasons given above and taking account of all matters raised the appeal is allowed and prior approval granted.

G Sylvester

INSPECTOR

³ Ref. 22/01103/PDH