



Appeal Decision

Site visit made on 13 January 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2026

Appeal Ref: APP/C3620/W/25/3374885

Majestic Wine, 100-102 Kingston Road, Leatherhead, Surrey KT22 7BT

- 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 Snail Estates Limited against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0648/PLA.
 - The development proposed is insertion of three dormer windows and four velux roof lights into the existing roof, the enlargement of two existing windows in the front elevation, the formation of a new window in the side elevation at ground level and the installation of an internal staircase.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed first floor windows on the rear elevation of the building, on the living conditions of the occupants of 2 and 4 Kingscroft Road and 1, 2, 3 and 4 Church Gardens, with reference to privacy.

Reasons

3. The appeal site contains a retail unit (Majestic Wine) located on a broadly triangular plot. The building occupies the widest part of the site adjacent to Kingston Road, with the land narrowing as it tapers southwards. The rear section of the site is hard surfaced and used for servicing and parking.
4. The far ends of the small rear gardens serving the bungalows at 1–4 Church Gardens, together with the rear garden boundaries of 2 and 4 Kingscroft Road, directly adjoin the appeal site. These residential curtilages are separated from the operational areas of the retail unit by close boarded fencing. The retail building is positioned close to the adjoining residential boundaries.
5. The appellant has submitted drawing AAL-24-233-P07 to illustrate the alleged vision splays from the proposed first floor windows, labelled A–F. This drawing has been prepared with reference to the Council's Design Guidance for House Extensions and Outbuildings Supplementary Planning Document (SPD). However, this SPD applies specifically to householder extensions and is therefore not relevant to the proposal. Furthermore, the section relied upon relates to the assessment of daylight and sunlight, not privacy, and the 10 metre distance cited does not form part of any privacy standard. As a result, the SPD does not provide an appropriate basis for evaluating the proposal's impact on the privacy of nearby dwellings, and the drawing does not demonstrate compliance with any recognised standard.

6. Whilst windows A and B would serve the half landing and stairwell and could be secured by condition to be obscurely glazed and non-opening, such measures would only address the potential for overlooking from those specific openings. In contrast, windows C–F would afford views into the private rear gardens of 2 and 4 Kingscroft Road, as well as 2, 3, and 4 Church Gardens. Given the limited separation between the rear elevation of the retail unit and the rear elevations of these dwellings, the shallow depth of the intervening gardens, and the elevated position of the proposed first floor windows, the development would give rise to a significant degree of overlooking. This would result in an unacceptable and harmful loss of privacy for the occupiers of the affected residential properties.
7. The appellant asserts that, due to the character and intended use of the first floor space and the presence of boundary screening, the proposal would only allow brief glimpses of the neighbouring rear gardens. It is further claimed that office workers would typically be seated back from the window, looking straight ahead, and that the relatively high window cill would prevent downward views into the gardens below, meaning appreciable areas would remain unseen. However, an office use could reasonably involve workers standing, moving around, or positioning desks directly adjacent to the windows, resulting in prolonged and repeated opportunities for overlooking. In addition, when standing, or even when seated closer to a window, workers would inevitably have a clear, downward angled view into neighbouring gardens.
8. Moreover, the elevated position of the proposed first floor windows would enable views above the close boarded boundary fencing that encloses the neighbouring gardens. Even if some areas close to the base of the fence were partially obscured, extensive and meaningful parts of the rear gardens would still be visible. As a result, the proposal would give rise to intrusive overlooking, causing significant and unacceptable harm to the privacy of adjoining residents.
9. The appellant suggests that conditions could be imposed requiring windows C and F to be obscure-glazed and only openable above 1.7 m when measured from internal first floor level, whilst allowing them to be clear glazed above that height. However, it is not accepted that such restrictions should apply to windows D or E. Given that windows D and E could provide elevated views over the rear gardens of 2, 3 and 4 Church Gardens and 2 and 4 Kingscroft Road, the absence of appropriate glazing and opening-height controls on these windows would fail to address the significant overlooking and loss of privacy identified.
10. Reference is made to there always being some degree of intervisibility in a mixed commercial and residential environment of this nature. However, this is a general statement, and each case must be assessed on its own particular circumstances. In this instance, the planning statement accompanying the original planning application indicates that the building was intentionally designed without first floor windows in the rear elevation. This appears to be due to the potential for such windows to overlook the private rear gardens backing onto the south-east and south-west boundaries of the site. Considering this, it has not been sufficiently demonstrated that this original design approach can now be altered without giving rise to unacceptable levels of overlooking or a material loss of privacy for adjoining residential occupiers.

11. For the above reasons, the proposal would have an unacceptable effect on the living conditions of the occupants of 2 and 4 Kingscroft Road and 1, 2, 3 and 4 Church Gardens with reference to privacy. It would therefore be contrary to Policy EN4(s) of the Mole Valley Local Plan 2020-2039, which requires proposals to ensure that the amenity of residents occupying properties in the surrounding area is not significantly affected by overlooking causing a loss of privacy.

Conclusion

12. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR