



Appeal Decision

Site visit made on 11 December 2017

by **Kenneth Stone BSc Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st December 2017

Appeal Ref: APP/P3610/D/17/3186035

78 Gayfere Road, Stoneleigh, Surrey KT17 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs J O'Neill against the decision of Epsom & Ewell Borough Council.
 - The application Ref 17/00318/FLH, dated 30 May 2017, was refused by notice dated 31 July 2017.
 - The development proposed is described as a 'Ground and 1st floor extension to a semi-detached dwelling house, and extension of roof including conversion to a habitable room and a new dormer window on the rear pitch of the roof.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions enjoyed by the occupants of the adjoining property, 80 Gayfere Road (No. 80), having particular regard to outlook and daylight.

Reasons

3. The property the subject of this appeal is a previously extended semi-detached chalet house, in an estate of similarly designed properties. The existing property has a deep catslide roof form which has had a first floor extension added. At the rear the property has a kitchen nib, on the outer corner, projecting beyond the main rear wall of the house. A set of French doors, providing light and outlook to a habitable room at ground floor, are located in the rear main wall between the kitchen nib and the common boundary. This arrangement is reflected across the boundary on the other half of the semi-detached pair.
4. The proposed development would include a single storey element that would extend along the common boundary at single storey for a depth of 5.4m out from the rear main wall of the house, some 3.00m beyond the depth of the existing kitchen nib, infilling the space between the existing kitchen nib and the common boundary. The result would be that the outlook from the habitable room in the adjoining property, adjacent to the common boundary and served by the rear facing French doors, would be on to a 5.24m long wall at a height of some 2.5m with a tiled roof slope above, albeit truncated. This would

dominate the outlook from that room which currently is faced by a 1.8m high close boarded fence boundary. The area is already contained by its own kitchen nib for part of the length, but the height and length of the flank wall of the proposed extension would significantly diminish the outlook, and daylight reaching that habitable room to the detriment of the living conditions of the occupiers of the property. This is compounded by the orientation of the properties.

5. The Council's Guidelines, do not specifically have guidance on a scenario such as this however it can reasonably be taken from the guidance that the Council would advise that a depth of no greater than 3.25m is the maximum for a single storey extension set on the common boundary. Given the additional constraint of the projecting kitchen nib and the tunnelling effect that would arise as a result of the infilling of the space on the appeal site side of the common boundary, the additional depth, not only beyond the depth of the nib but beyond the normally accepted 3.25m, would be particularly harmful to the daylight and outlook presently enjoyed by the occupants of No. 80.
6. I note that the appellant has drawn attention to a number of other extensions that have been approved by the Council which it is suggested are of greater dimensions than that before me at this appeal. However, I have not been provided with the full details of these proposed developments or the circumstances of the cases and therefore cannot give them significant weight in my judgement. It is important that the Council applies its guidelines and takes decisions consistently. However, it is also right that each application is treated on its own merits and that full consideration is given to the effects of the proposed development in the circumstances of the case, as I have done here.
7. For the reasons given above I conclude that the proposed development would materially harm the living conditions of the occupiers of the adjoining property, 80 Gayfere Road, having particular regard to daylight and outlook. Consequently it conflicts with Policy DM10 in the Epsom and Ewell Borough Council Development Management Policies Document, 2015 which, amongst other matters, requires development to have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance. This is consistent with the advice in the National Planning Policy Guidance, paragraph 17 bullet point 4.

Other matters

8. I note that the development proposed comprises other elements than just the single storey extension, including a first floor extension and alterations to the roof. The Council have raised no objections to these elements of the development and I saw no reason to disagree with those conclusions. However, the scheme is not readily subdivided and it would not be appropriate to attempt to do so.

Overall conclusions

9. I have concluded that the proposed development would materially harm the living conditions of the occupiers of the adjoining property. Whilst there are other elements of the extension where no harm arises this does not overcome the harm that has been identified. The proposal therefore conflicts with the development plan and there are no material considerations that indicate I should take a decision otherwise.

10. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR