
Appeal Decision

Site visit made on 5 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/M3645/D/16/3156669
38 Hilltop Walk, Woldingham CR3 7RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4. of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
 - The appeal is made by Ms Rosalind Knight against the decision of Tandridge District Council.
 - The application Ref 2016/1083/NH, dated 10 June 2016, was refused by notice dated July 2016.
 - The development proposed is the demolition of an existing single-storey rear conservatory and the construction of a new single-storey rear extension comprising facing brickwork walls to match existing, gable end pitched roof with 6no. Velux type rooflights, and 3no. sets of bi-folding doors to match to rear and left side elevation walls.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of any adjoining premises – taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The appeal site comprises a two storey semi-detached dwelling with a hipped roof in a spacious plot. The dwelling has a rear conservatory alongside the common boundary with the neighbouring semi-detached dwelling.
 4. The proposal would result in the demolition and replacement of the existing conservatory. The new extension would have approximately a length of 6m, a height of 4m (maximum) and an eaves height of 2.75m. In comparison with the existing conservatory, the new extension would be approximately 0.4m higher and 1.8m deeper.
 5. The neighbouring property at 36 Hilltop Walk has a patio area on the other side of the common boundary. Outlook from this area is currently of the upper glazed windows and panels of the existing conservatory above a timber fence along the common boundary. The new extension would be stepped back from the boundary like the existing conservatory and its roof would slope upwards
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and away from the boundary. However, the proposed extension would have a higher roof eaves line which would result in a greater extent of building wall above the fence, and a higher roof. Cumulatively the increase in eaves and roof height, together with the increased depth of the extension would result in considerable built form alongside the boundary. Additionally, the change from glazed windows and panels to facing brick and tile roof would give rise to a markedly more solid appearance to the new extension. For these reasons, there would be an adverse overbearing impact on the occupiers of the neighbouring property using their garden.

6. The proposed extension would be located to the east of the neighbouring property. However, there would already be some loss of sunlight and overshadowing in the morning caused by the existing conservatory and boundary fence. Given this, the increase in size of the extension would not adversely affect sunlight or cause overshadowing to the extent that it would be harmful to the occupiers of the neighbouring property.
7. There would be some light spillage and potential for noise and disturbance from the existing conservatory due to its glazing and openings. Nevertheless, I am not persuaded that this would adversely affect the living conditions of the occupiers of the neighbouring property. In this regard, lighting and activity would be largely confined to within the building so minimising any effect. There is support from the neighbour at No 36 but planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature. I note that this occupier expresses a wish to build a similar extension. Whilst this might overcome the adverse impact identified, there is no guarantee that this would occur as personal circumstances can change for a variety of reasons. Therefore, these considerations would not outweigh the unacceptable impact of the development that has been identified.
8. There have been neighbour objections from the occupiers of 40 Hilltop Walk but this property would be a significant distance away from the new conservatory by reason of an intervening area of garden. Therefore, there would be no impact on the outlook of these neighbours.
9. In summary, the development would be harmful to the living conditions of the occupiers of the adjoining dwelling at No 36, by reason of the loss of outlook. On this basis, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR