

Appeal Decision

Site visit made on 24 January 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 9 February 2017

Appeal Ref: APP/C3620/D/16/3163934

9 Kiln Lane, Brockham, Betchworth RH3 7LX

- 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 Guy Thorneloe against the decision of Mole Valley District Council.
 - The application Ref: MO/2016/1161/PLAH dated 18 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is ground floor front extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the existing property and on the local area, and
 - b) the effect of the proposal on the living conditions of the neighbours at No 8 Kiln Lane, with particular regard to loss of light and loss of outlook.

Reasons

Issue a) Character and Appearance

3. The appeal property is a semi-detached, two storey dwelling in a row of mainly semi-detached dwellings with some detached properties, which 'fronts' towards Kiln Lane, a narrow, rural lane. There is a significant change in levels so that the appeal property and neighbouring dwellings are set significantly lower than Kiln Lane and are set back from the road frontage. There is frontage planting so that even during the winter months views of the front of the property are limited and views of the pair of semi-detached dwellings, read together, are largely obscured. Because of the change in levels, and the narrowness of Kiln Lane, the principal access to the appeal property as well as its neighbours is taken from the 'rear' off Nutwood Avenue. Some of the neighbouring properties have modest, ground floor extensions on the Kiln Lane side of the property.
-

4. The appeal property has been previously extended with a front/side extension. The proposal would extend across the full width of the existing property with a single storey extension under a pitched roof. Given the width of the proposed extension across the extended width of the frontage, combined with its depth and height under a pitched roof, I consider that it would appear over dominant in relation to the modest scale and proportions of the existing property. Reflecting the depth of the extension, the pitched roof would rise to just under the base of the first floor window on this elevation and I consider that this would add to the visual over dominance of the proposal. The Appellant has drawn my attention to different depths for the extension being referenced in the Officer's report at the application stage, but I have based my assessment on the submitted plans.
5. Although I agree that the property as proposed to be extended would not be widely seen in street scene views because of the frontage planting, particularly in the summer months, it would still appear as a visually intrusive element in available views and from neighbouring properties. As a result of the harm to the character and appearance of the existing property, I also consider that it would detract from the character and appearance of the local area.
6. I therefore conclude that the proposal would harm the character and appearance of the existing property and of the local area. This would conflict with Policy CS14 of the adopted Mole Valley Core Strategy (Core Strategy) and Policy ENV32 of the adopted Mole Valley Local Plan (Local Plan) as well as the National Planning Policy Framework (Framework), all of which seek for new development to be of a high quality of design which respects the local context.
7. The Council's reason for refusal also states that the proposal would unbalance the pair of semi-detached properties. There are however, very limited opportunities to view the two as a pair of dwellings in the street scene. I am not therefore persuaded that this concern on its own would justify withholding planning permission. However, my finding on this matter does not outweigh the conclusion I have already drawn on this issue.
8. The Appellant has offered to amend the form and style of the fenestration proposed, but this would not, on its own, overcome the harm I have concluded as a result of the scale and massing of the extension in relation to the proportions of the existing property.

Issue b) Living Conditions

9. The proposed extension would be built along the common boundary with No 8 Kiln Lane. This adjoining dwelling and other 'half' of the semi detached pair has a ground floor, north facing window. On the basis of the limited information provided by the Appellant, a line drawn at 45 degrees in the horizontal plane from this window would be significantly infringed by the proposal but there would appear to be no or minimal infringement on the 45 degree line drawn vertically. However, the guidance provided by the Appellant makes it clear that these are intended to be 'rule of thumb tests' to determine whether or not a more detailed assessment is required. The Council has also referred to the 25 degree test but this test is most relevant to where development is opposite a window which potentially may be affected by a development, which is not the case here.

10. There is limited information before me regarding the use of the neighbours' room to which the window relates and whether it is the sole window to a habitable room. However, on the limited information before me and given the clear infringement of the 45 degree horizontal line, it has not been demonstrated that the proposal would not adversely affect the light to this window. I therefore share the Council's concern in this regard.
11. I also consider that given the depth of the extension so close to the common boundary and the neighbours' window, the proposal would be overbearing and harm the outlook from the ground floor front facing window in the neighbouring property.
12. On the basis of the information before me, I consider that the proposal would materially harm the living conditions of the neighbours at No 8 Kiln Lane, with particular regard to loss of light and loss of outlook. This harm would conflict with Policies ENV22 and ENV32 of the Local Plan and one of the Core Planning Principles of the Framework, all of which seek to protect the residential amenities of existing and future occupiers.
13. The Appellant has referred to the overgrown hedge along the common boundary which restricts light to the neighbours' front window, but the development would also endure for future occupiers.

Other Considerations

14. The Appellant has referred to the permission granted by the Council for a front extension at No 11 which was built up to the shared boundary with the neighbouring property, but that scheme was of a different design to the one before me and each proposal must be judged on its individual merits. I find nothing in that permission which persuades me to a different conclusion under either issue in this case.

Conclusion

15. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR