

Appeal Decision

Site visit made on 25 April 2017

by Rory MacLeod BA MRTPI

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

Decision date: 26th May 2017

APP/M3645/W/17/3167652

30 Westway, Caterham CR3 5TP

- 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 Mr Jon Henderson of Vigilant Security Systems Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2016/1466, dated 9 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is ground floor extensions to form a new 1 bedroom self-contained flat and a new entrance to the existing first floor maisonette.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor extensions to form a new 1 bedroom self-contained flat and a new entrance to the existing first floor maisonette at 30 Westway, Caterham CR3 5TP in accordance with the terms of the application, Ref. TA/2016/1466, dated 9 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans 16/1454-01; 16/1454-02A; 16/1454-03A and the red edged site location plan.
 - 3) Before the development hereby approved is occupied the solar panels as specified in the application details shall be installed and this system shall be retained in accordance with the approved details.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for occupiers of the proposed flat and adjacent property at 32 Westway with particular regard to privacy, outlook and light.

Reasons

3. The appellant company operates from the ground floor of a mid-parade shop unit. On the upper floor and to the rear of the shop unit is a maisonette (30a Westway) with access via a separate entrance from the street and also from a rear service road. To the rear of the building is a small garden used by the occupiers of the maisonette, and a hard standing area currently used for
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parking and the storage of bins. Several properties in the parade, including the adjacent property 32 Westway, have had substantial extensions constructed at the rear at ground floor level.

4. The development would involve the demolition of the maisonette's rear entrance lobby and bathroom and the construction of two extensions. The first would be an infill extension against the boundary of 32 Westway to provide a new entrance lobby and shower room for the maisonette. The second would occupy most of the rear garden to provide a new 1 bedroom flat with access from the rear of the site. I have no reason to disagree with the Council's assessment that the proposed extensions would not adversely affect the character and appearance of the area.
5. At the time of my site inspection a high close boarded fence had been erected along the boundary with 32 Westway for the length of the proposed extension and there were building works underway at the rear of 28 Westway. The top of the fence is approximately at the level of the transoms to the flank windows in the extension at No. 32 so that only the upper parts of these windows are likely to be visible from the proposed flat. The main living area proposed would be dual aspect with a principal window to the rear. The bedroom would be the only room with just a side window facing towards the extension at No. 32. The window and door in the extension at No. 32 closest to the bedroom window are both obscured glazed. These factors would mitigate against any loss of privacy within the proposed flat in relation to any overlooking from windows and doors in the flank wall of the extension at No. 32.
6. The outlook from the proposed bedroom window and flank living room window would be on to the boundary fence and the upper part of the side extension at No. 32 would be visible above this. As the extension at No. 32 is single storey, there would remain an outlook in a westerly direction above the extension from the proposed flank windows. Under these circumstances, these windows would benefit from daylight whilst sunlight may be received during late afternoon hours depending on the time of year and weather conditions. To my mind, living conditions within the proposed flat would not be unduly harmed in relation to outlook and light.
7. The extension at No. 32 has an array of window and door openings in the flank and rear elevations. The effect of the proposed development on living conditions within this extension would be similar to that of the extension on the proposed flat. The proposal would broadly mirror the extension at No.32 with the boundary fence between. There would be an outlook in an easterly direction from flank windows within the extension at No. 32 over the fence and proposed development. These windows would continue to benefit from daylight whilst sunlight may be received in morning hours depending on the time of year and weather conditions. In my opinion, living conditions within the extension at No. 32 would not be unduly harmed in relation to privacy, outlook and light as a result of the proposed development.
8. Policies CSP18 of the Tandridge District Core Strategy 2008 and DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 both seek to protect the amenities of occupiers of neighbouring properties in relation to matters including overlooking, overshadowing or an overbearing effect. The latter policy makes reference to separation distances applicable in most circumstances, but the test of the policy is whether or not the proposal would result in significant harm. Notwithstanding the proximity between facing flank

windows in the proposed and existing extensions, I consider that the proposed development would not result in significant harm in relation to privacy, outlook and light but would provide acceptable living conditions for future occupiers of the proposed flat and for those within the extension at No.32. The proposal would not be in conflict with the overall requirements of these development plan policies or with the provisions of the National Planning Policy Framework brought to my attention in the appeal submissions.

9. The Council has a five year land supply for housing, but the proposal would nonetheless result in a benefit through the provision of an additional dwelling within a sustainable location.
10. Conditions should be imposed to list the plans for the avoidance of doubt and in respect of renewable energy to satisfy planning policy. Subject to these and for the reasons given the appeal should succeed.

Rory Macleod

INSPECTOR