

# Appeal Decision

Site visit made on 24 July 2017

**by Ann Skippers BSc (Hons) MRTPI**

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

**Decision date: 31 July 2017**

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**Appeal Ref: APP/L3625/D/17/3175689**

**3 Tumblewood Road, Banstead Surrey SM7 1DS**

- 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. Gary Payne against the decision of Reigate and Banstead Borough Council.
  - The application Ref 17/00326/HHOLD was refused by notice dated 7 April 2017.
  - The development proposed is 'Double storey rear extension measuring 6.36m long and 3.775m wide'.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 1 Tumblewood Road with particular regard to light and outlook.

## Reasons

3. The proposal is for a rear extension which would replace a single storey conservatory in a similar position but with a smaller footprint. It would project some 6.5m from the rear elevation of the host building and whilst it would not be as high as the existing main roof, it would be two storey in nature.
  4. The extension would be about 1.2 metres from the common boundary with No 3 which is situated about a metre or so away from this boundary and is a large and imposing property with a two storey element to this side. No 3 has a number of windows to its flank, northern elevation at both ground floor and first floor level.
  5. At first floor level there is an obscure-glazed window to a bathroom and two other small windows serving a hall and as a secondary source of light to a bedroom. On the ground floor, there are two small windows. None of these windows will be unduly affected by the proposal because they are small windows, obscure glazed or the room they serve has an alternative and main source of light.
  6. However, on the ground floor there is also a window and glazed door unit which serves a large kitchen/breakfast room. As the appellants point out this room also has a rear window and therefore there are two sources of light to this room.
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7. Both parties refer to the 25 degree daylight guidance referred to in the Council's Supplementary Planning Guidance Householder Extensions and Alterations 2004 (SPG). On the basis of the information before me, the proposal would seem to breach this assessment, but as the SPG itself suggests this may be an indicator that indicates the extension is potentially unacceptable.
8. At my visit I was able to view from No 1 and stand in the kitchen/breakfast room. Given the size and use of the space, I consider that the light gained from the side window/door is critical to the use and enjoyment of this room despite the presence of a rear window.
9. The scale, depth, height and proximity of the extension would significantly reduce daylight reaching this room. Therefore the loss of light would materially harm the living conditions of the occupiers of No 1.
10. Turning now to outlook, I have considered this on the basis of any harm which would be caused by an overbearing development.
11. The proposal would extend a considerable distance at a two storey height. Whilst the boundary fence and a conifer tree close to the boundary are visible and affect outlook to some extent, the outlook from the side window/door presently has a sense of openness and one can also see sky and distant trees.
12. The outlook would be largely dominated by the expanse, depth and height of the extension. The proposal would create an oppressive outlook and unacceptable sense of enclosure given its proximity, scale, height and projection.
13. As a result the proposal would materially harm the living conditions of the occupiers of No 1 with particular reference to both light and outlook. The proposal would not therefore accord with Policies Ho 9, Ho 13 or Ho 16 of the Reigate and Banstead Borough Local Plan 2005 which, amongst other things, seek to ensure proposals do not have an unacceptable effect on the amenities of adjoining properties. These policies broadly reflect the general thrust of the National Planning Policy Framework which always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
14. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

*Ann Skippers*

INSPECTOR