
Appeal Decision

Site visit made on 23 August 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/M3645/D/17/3174465

38 Roffes Lane, Chaldon, Caterham, Surrey CR3 5PT

- 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 T Edwards against the decision of Tandridge District Council.
 - The application Ref TA/2016/2311, dated 9 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed was described as 'partial demolition of bungalow, part ground floor and complete first floor extension to form 4 bedroom detached dwelling'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the appellant was notified about the site visit, there was no one present on the appointed day. Since the site is currently a construction site and unoccupied, and was also unlocked, I was able to gain access and proceeded on the basis of an unaccompanied site visit. I was also able to fully appreciate the relationship with the two adjoining properties, Nos 36 and 40 Roffes Lane.
3. Although building works appear well advanced, the structure under construction is not the same as the details shown on drawing no RL/002B which is the subject of this appeal. For the avoidance of doubt, I have determined the appeal based on the submitted plans before me, rather than the works under construction.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring residential properties.

Reasons

5. The appeal property is located on the western side of Roffes Lane, and is one of a row of detached residential properties which are set up above road level because of the rising topography. At the time of my site visit the existing structure had been largely demolished with new works under construction. However from the submitted plans, the original building was a detached bungalow similar in style to the adjoining property to the south, No 40 Roffes Lane. Opposite the site are open fields with mature hedgerows, giving the area a semi-rural character.

6. The Council raises no objections from a design point of view, including the squaring up of the front elevation, and having seen the variety of architectural styles in the vicinity, I see no reason to reach a different view. The issue therefore is the effect of the proposed works on living conditions to the occupiers of adjoining properties to the north and south, Nos 36 and No 40 Roffes Lane respectively.
7. Dealing first with the effect on No 36, it comprises a two storey dwelling in part where it is set into the ground, and has several habitable windows facing the appeal site together with a clearly well used garden area in the space between the building and the common boundary. The Council advises that the proposed works would involve raising the ridge height to 6.5m in order to provide first floor accommodation. This would also present a large two storey twin gable ended elevation to No 36, unrelieved only by a first floor window, as well as a single storey extension up to the boundary itself. No 36 is also set at a slightly lower level than the appeal site because of the topography.
8. Whilst I acknowledge the spacing between the two properties and the substantial vegetation along the boundary, in my view the impact of such a bulk and massing, particularly from the proposed twin gables, on the southern side of No 36 and close to its amenity area, would cause an overbearing effect and likely overshadowing of that area which would cause harm to the occupiers of that property. I note the appellant's point that No 36 also has substantial garden areas to both sides, but that does not in my view justify the proposed impact adjacent to its southern side.
9. With regard to No 40, it is set at a higher level than the appeal property, again because of the topography. An existing garage along the boundary is to be demolished apart from the side wall which is presumably to act as a retaining structure, so that a distance of 2.5m would exist between the proposed works and the common boundary. No 40 is also set off the common boundary by approximately 1 metre. It has two windows and a door in its northern flank elevation, which appear to be either secondary windows or not to habitable rooms, and I note that the proposed two storey part of the building would not extend beyond the existing rear elevation of the bungalow. For a combination of these reasons, and whilst I acknowledge that there would be some impact on No 40, I consider that the relationship would be acceptable and therefore the living conditions of the occupiers would not be harmed.
10. I note that concerns have been raised regarding the loss of bungalow accommodation, but as the Council points out, there are no Development Plan policies which would prevent such loss and therefore proposals need to be considered on their individual merits. Although concerns have also been raised in respect of potential impact on flooding arising from increased hard surfacing, and also presence of bats, no specific evidence has been raised in those respects and I therefore do not afford them any particular weight in arriving at my findings.
11. Although the proposed development would be acceptable in part, it would unacceptably harm the living conditions of the occupiers of No 36 Roffes Lane. It would therefore be contrary to Policy CSP18 of the Council's Core Strategy 2008 and Policy DP7 of the Council's Local Plan Part 2: Detailed Policies 2014-2029, in that it would harm the amenities of occupiers of neighbouring

properties by reason of overshadowing and overbearing effect. Accordingly the appeal is dismissed.

Kim Bennett

INSPECTOR