
Appeal Decision

Site visit made on 12 June 2018

by N A Holdsworth MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2018

Appeal Ref: APP/M3645/D/17/3181723

Garden House, Uvedale Road, Limpsfield, RH8 0EW

- 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 S Pardesi against the decision of Tandridge District Council.
 - The application Ref TA/2017/642, dated 29 March 2017, was refused by notice dated 23 June 2017.
 - The development proposed is erection of first floor side and rear extensions to provide additional living accommodation and an enlarged garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the living conditions of the occupants of neighbouring residential properties, with particular regard to whether or not it would result in an overbearing effect.

Reasons

3. Tanglewood sits directly beyond the northern boundary of the appeal site, at a significantly lower level. Because of the vegetation along the shared boundary, the bulk of the host building is currently heavily disguised in views from this neighbouring residential property. In consequence, the area to the rear of Tanglewood currently enjoys an open and private setting.
4. Under the proposals an additional storey would be added to the north facing elevation of the host building. However, in views from Tanglewood, the extended building would rise sharply above the vegetation on the boundary between the two properties. As a consequence of the falling topography of the land, it would tower over the garden of Tanglewood, becoming an unacceptably dominant feature within it. The relatively shallow roof of the extended building would not mitigate the harmful effect of the additional bulk.
5. The harm would be exacerbated by the first floor window in the side elevation of the extension. Even if this window were to be constructed from obscure glazing, because of its close proximity to the boundary it would nonetheless give rise to a perception of overlooking. This would be apparent both to the rear facing rooms within Tanglewood, and its rear garden.

6. I therefore consider that the proposed development would result in an unacceptable overbearing effect in relation to Tanglewood. In coming to this view I note that the extension would be constructed around 5 metres away from the common boundary. I also observed that there is an equivalent or greater distance from the shared boundary to the neighbouring residential building. However, in this case the harm arises due to the raised position of the extension in relation to Tanglewood, and in particular its garden.
7. There would be unlikely to be a significant loss of light to Tanglewood. However the poor visual relationship between the two properties would still be unacceptable, due to the overbearing effect and visual intrusion arising from the proposed development.
8. The appellant draws attention to extensions approved by the Council in relation to Tanglewood. However, because of the falling topography of the land, they are set at a significantly lower level to the appeal site. Consequently, they are not comparable to the extensions to the host property under consideration in this appeal. Whilst Tanglewood has a well sized garden with mature vegetation, this does not justify the harm that would arise from the proposed development.
9. The Council and interested parties also express concern that the proposal would reduce the outlook to the property to the south known as Wain House. However, Wain House is generally set on higher land to the host property, and the bulk of the extension would be set a significant distance away from the common boundary. In consequence, whilst the extensions would be visible from this residential property, they would not lead to a material loss of outlook or overbearing effect in respect of its occupants.
10. Reference is also made to historic dismissed appeal decisions¹. However, these considered alternative forms of development on the appeal site and predate the construction of the existing building, which on the evidence before me was granted planning permission by the Council in the late 1990's². The construction of the host property in the intervening period is a material change of circumstance which means that these historic appeal decisions are not directly relevant to this determination. My findings are based on my own assessment of the relationship between the site and surrounding area at the time of my site visit, and the requirements of the current development plan policies.
11. The appellant argues that the appearance of the host property is at odds with the prevailing character of the area, and he considers that its appearance would be improved under the proposal. However, I observed that the bulk and mass of the existing building rises with the land, and it therefore sits well within its setting, providing a visual transition between Tanglewood and Wain House. By contrast, the proposal would add additional mass where the land falls, and therefore fails to achieve a satisfactory visual relationship with Tanglewood. Whilst it would provide additional habitable living accommodation to accommodate the needs of its owner, and would make effective use of the site in an area where there is little land available for new housing, these considerations do not outweigh the harm identified.

¹ See reference T/APP/M3645/A/95/259171/P7, and the previous appeal decisions referred to in that decision letter.

² Council reference 97/1157.

12. I therefore conclude that the proposal would lead to an overbearing effect on the residential property known as Tanglewood, leading to material harm to the living conditions of the occupants of this residential property. The proposed development conflicts with policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (Adopted July 2014) and policy CSP18 of the Tandridge District Core Strategy (Adopted 2008) which, amongst other things, requires that new development does not significantly harm the amenities of occupiers of neighbouring properties by reason of any overbearing effect or visual intrusion.
13. For the reasons given above and having had regard to all other matters raised I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR