



Appeal Decision

Site visit made on 23 May 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/L3625/D/19/3224468

8 Harpurs, Tadworth, KT20 5UD

- 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 Amanda Strutt against the decision of Reigate and Banstead Borough Council.
 - The application Ref 18/02507/HHOLD, dated 30 November 2018, was refused by notice dated 8 February 2019.
 - The development proposed is retrospective application to convert detached garage to two bedroomed studio with increase in roof height.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The description of development set out in the application form was amended by the Council on 16 January 2019 and this revised description of development, was agreed by the applicant. Accordingly, I have used the Council's description of development in the banner heading above.
3. On 24 October 2017 the Council granted planning permission¹ to convert the detached garage into a studio/workshop/hobby room. The description of development was as follows:

Convert detached garage into studio/workshop/hobby room. Increase ridge height by 600mm to incorporate upper floor with storage and hobby room. Install patio doors to rear elevation and 3 Velux windows to both roof slopes. Install window to front elevation as replacement for one of garage doors.

4. Planning permission was granted subject to a number of planning conditions. Condition No.1 required that the development was carried out in accordance the plans submitted with the application (and listed in the permission). One of the unnumbered plans that was approved shows the front elevation of the garage. This plan clearly indicates that the existing ridge height of the garage was 4590 mm and the proposed ridge height of the garage would be 5190mm, an increase of 600mm. The approved plan shows that the pitch and bulk of the roof would be unchanged and that the increased height would be achieved by extending the height of the walls below the eaves.

¹ Planning Permission Reference 17/01881/HHOLD

5. Condition No. 4 required that the first floor windows on the north elevation should be permanently obscured glazed and fixed shut.
6. Condition No. 5 requires the first floor windows on the south elevation to be permanently obscured glazed and either non opening or, if located more than 1.7 metres above the floor level, then obscured glazed and fitted with a window restrictor such that the window can only be opened a matter of a few inches for ventilation purposes.
7. Both Conditions Nos. 4 and 5 were imposed in order to safeguard the amenities of neighbouring properties.
8. On 21 May 2018 the Council granted permission for a non-material amendment² to the permission granted on 24 October 2017. The description of the amendment was as follows:

I wish to use the garage conversion for ancillary and living accommodation.

9. This permission listed a series of unnumbered approved plans. These plans show the revised internal arrangement proposed for the garage block, which included the provision of two bedrooms and a bathroom on the first floor. A plan showing the front elevation confirmed that the ridge height of the building would be increased by 600mm to 5190mm.
10. On 13 August 2018 the Council granted permission for a further non-material amendment³ to the permission granted on 24 October 2017. The description of the amendment was as follows:

I am seeking consent to replace the remaining garage door with a window to be the same as the other garage door which has been replaced with window and all to match the existing house.

11. The permission listed a series of unnumbered approved plans. These included a revised front elevation showing the replacement of the garage door with a window and, once again, confirmed that the proposed ridge height of the building would be increased by 600mm to 5190mm.
12. As planning permission 17/01881 and the subsequent non-material amendments are extant and it is evident that the applicant is taking forward conversion work to the garage block, I give these permissions considerable weight in this case.
13. The applicant has submitted evidence that the height of the ridge on the new roof (which has been largely completed) is around 5740mm and this accords with the proposed ridge height shown on the plans for the scheme that is subject to this appeal.
14. The applicant notes that there was an error made in calculating the height of the garage that existed before any work began. I do not have sufficient evidence in front of me to be certain about the height of the original garage.
15. In these circumstances, I propose to consider the application on the basis that there is an extant permission to increase the ridge height of the garage block

² Reference 17/01881/NMAMD1

³ Reference 17/01881/NMAMD2

to 5190mm and the current proposal, which has been partly implemented, would result in a building with a ridge height of 5740mm.

Main Issues

16. There are two main issues. The effect of the development on: (a) the character and appearance of 8 Harpurs (the host building) and the surrounding area; and (b) the living conditions of nearby residents, with particular reference to outlook and privacy.

Reasons

Character and Appearance

17. The estate in which the appeal site is located comprises mainly substantial detached family houses, set within well landscaped grounds. The overall density of the estate is quite high and there is a complex layout of estate roads designed to maximise the development potential of the land. As a consequence, the siting and orientation of individual buildings, on modestly sized plots, has been carefully planned to ensure satisfactory levels of privacy and outlook are provided for occupiers of each dwelling.
18. Although the pattern of development in the estate is quite varied, there is a high degree of coherence and consistency about the overall character and appearance of the area. Common features include: the mock-tudor style of architecture adopted; the construction materials used; and the limited variation in the scale and type of buildings throughout the estate. Similarly, although many properties have integral garages, those that have free-standing or linked garage blocks follow a similar pattern of a pitched roof garage building that is clearly subordinate in scale to the main house.
19. The proposed development would result in the provision of a building, similar in scale and appearance to a small house, that would be discordant in scale with, and create a cramped layout for, the host property and the adjoining property (10 Harpurs). It would therefore harm the character and appearance of both properties. Furthermore, because the development would be located towards the back of the plot, the tall and obtrusive roof form of the proposed development would also be unduly prominent and would look out of place in the surrounding area.
20. As a result of its scale and design, the extended garage block would be detrimental to the character and appearance of both the host building and the surrounding area. Accordingly, the development would be contrary to Policies Ho 9, Ho13 and Ho 16 of the Reigate and Banstead Local Plan 2005 (the local plan) and the Householder Extensions & Alterations Supplementary Planning Guidance (2004) (SPG). These policies and the SPG seek, amongst other things, to encourage high quality design that maintains the character of the local area.
21. In reaching this view I have taken into account that planning permission has been granted for an increase in ridge height to 5190mm and I note the appellant's view that the increase in roof pitch, over the original roof, is only approximately 2-3 degrees. It is difficult to judge precisely what impact the approved scheme would have compared to the appeal scheme. However, because the extended garage block of 5740mm ridge height has been largely

completed at roof level, I am clear about the level of impact the proposed development would have on the surrounding area.

22. Furthermore, the appeal scheme, because it would result in a building that would be both taller and bulkier at roof level, would have a more harmful impact on the character and appearance of the area, than the previously approved scheme.

Living conditions

23. Plan reference 18-014-02A (the plan), which forms part of the current scheme proposals, indicates the provision of 3 large windows on both principal roof planes. This is at variance to the number and scale of the windows currently provided in the roof that I observed on my site visit, however, I will consider the scheme on the basis of the submitted plans.
24. The plan also indicates that the lower edge of the windows would be about 1.5 metres above floor level. This is relatively high and should provide a satisfactory degree of privacy for occupiers of the bedrooms at proposed the first floor level. However, this height of window, which is below the eye level identified in the SPG⁴, would allow occupiers of the two bedrooms with north facing windows to look directly into the adjoining garden of No 10 Harpurs.
25. In addition, if the windows on the south elevation can be opened, there would be direct views into the rear garden and most of the habitable rooms at the rear of No.3 Wilsons. The Council estimate the distance between the extended garage block and the rear elevation of No.3 Wilsons is around 13 metres (not taking into account a conservatory at the rear of the building).
26. It would be possible to impose a condition requiring the windows on the north elevation were obscured glazed and fixed shut. This would address the problems of overlooking I have identified for No 10, but would result in one bedroom, which is single aspect, having an oppressive internal living environment which would be harmful to the living conditions to the future occupiers of that bedroom.
27. On the southern elevation, a condition requiring that all the windows are fixed shut would reduce the risk of overlooking for No.3 Wilsons, but would in combination with the obscure glazing fixed window on the north elevation, this would significantly compromise the amenity of the dual aspect bedroom.
28. I note that the Council had imposed conditions requiring non-opening (or limited opening) and obscure glazed windows in the original permission⁵. But at the time of the original permission the proposal was to use the upper level of the converted garage as workshop/hobby room/storage area.
29. I accept that the subsequent non material amendment to allow use as ancillary living accommodation would mean that the upper rooms could be used for bedrooms, but this does not alter my view about the acceptability of imposing such conditions in relation to the current scheme.
30. In short, I do not consider that planning conditions could be satisfactorily imposed that would fully overcome the harm to the level of privacy currently

⁴ Section 4.2

⁵ Planning Permission Reference 17/01881/HHOLD

enjoyed by both No.10 Harpurs and No.3 Wilsons that would arise from the proposed windows on the first floor of the extended garage block.

31. In addition, because of its close proximity to the boundary with both No.10 Harpurs and No.3 Wilsons, the increased height and scale of the roof on the extended garage block has materially impacted on the outlook enjoyed by the occupiers of both neighbouring properties. In particular, given the limited depth of the garden of No.3 and the siting of the extended garage block close to the boundary, it has a dominating and overbearing impact on the outlook from the rear of No.3 Wilsons and the enjoyment of the rear garden.
32. I find that the extended garage block has a harmful impact on the outlook of No.10 Harpurs and No.3 Wilsons.
33. I accept that the scheme that has already been approved by the Council would also have an impact, but it was evident from my site visit that it is the height and scale of the roof that has the greatest impact on the outlook from the neighbouring properties and as both the height and scale of the roof have been materially increased over the previously approved scheme, this does not alter my conclusion on this matter.
34. I find that the extended garage block is harmful to the outlook enjoyed by nearby residents and would be harmful to their privacy. Accordingly, the development would be contrary to Policies Ho 9, Ho13 and Ho 16 of the local plan and the SPG. These policies and the SPG seek, amongst things, to safeguard the amenity of residents of neighbouring property to the development.

Other Matters

35. Both the Council and a number of third parties have submitted evidence which suggests that the applicant might intend to convert the garage block into separate dwelling, in addition to the main house.
36. The applicant has stated that they have no desire or intention to create a separate and additional dwelling. In the absence of conclusive proof to the contrary, I have considered this proposal on the basis that it provides accommodation that is ancillary to the main house.
37. If in future, the owner/occupier wishes to change the use of the converted garage i.e. create a separate residential unit which is not ancillary to the main dwelling, then this would require planning permission.
38. I note the need to provide additional accommodation which has been outlined in the appellant's supporting statement. This factor adds weight in favour of the application, however, it does not outweigh the harm I have identified.

Conclusion

39. For the reasons set out above, and having taken into account all other matters raised, I dismiss this appeal.

Anthony Thompson

INSPECTOR