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## Appeal Decision

Site visit made on 24 September 2019

**by D. Szymanski, BSc (Hons) MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> October 2019**

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**Appeal Ref: APP/M3645/D/19/3232974**

**18 Matlock Road, Caterham, CR3 5HP**

- 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 & Mrs D'Alberto against the decision of Tandridge District Council.
  - The application Ref TA/2019/575, dated 18 March 2019, was refused by notice dated 14 May 2019.
  - The development proposed is demolition of existing rear garage and erection of single-storey rear/side extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupants of No. 20 Matlock Road, with particular reference to its potential to appear overbearing.

### Reasons

3. The appeal site is a detached dwelling accommodated within a generously sized plot on the southern side of Matlock Road, where the dwellings have been laid out in a staggered arrangement roughly aligning with the curve of the public highway. To the front the appeal site is set around 5 metres (m) further forward than the neighbouring No. 16 to the west and around 5m further back than No 20 to the east. There are similar equivalent staggers to the rear of the dwellings where the original rear wall has not been extended.
4. At my site visit I viewed the appeal site from No. 20. No. 20 benefits from a small single storey rear extension on its eastern boundary, a conservatory in the centre of the rear wall, and retains its original rear façade and window for approximately 2.5m of its width to the west (nearest the appeal site). A previous loft conversion and part width single storey rear extension at the appeal site means No 18 is set back some approximately 8.5m further back than the nearest rear wall and window of No. 20, and approximately 4.5m back from the conservatory.
5. The current arrangement results in the gable and side wall of the appeal site dwelling being prominent from No. 20, at a height ranging from approximately 6m at the ridge, approximately 5.5m at the dormer window, to approximately

3m along the depth of the single storey extension. The close proximity, depth and height of No. 18 already results in a somewhat dominant feel from the rear facade, conservatory and part of the garden of No. 20. The proposed development would increase the depth of the single storey element by around 1.3m, resulting in a total depth of the appeal site dwelling, of some approximately 9.8m alongside the boundary of No. 20 and around 5.8m from the back of the conservatory. The proximity to the boundary, height and depth of the overall arrangement as a consequence of the proposed development, would be such that it would have an unacceptable effect on No. 20 by reason of being overbearing.

6. The presence of the boundary fence up to 2m high and the extension being set in slightly from the boundary does not adequately alleviate or mitigate against the harm. My conclusion takes into account the depth of the southern facing back gardens, and the position of patio areas at No. 20.
7. For the reasons set out above, the proposals would result in significant harm to the living conditions of the occupants of No. 20 Matlock Road, by reason of being overbearing. This would be contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014). Amongst other things these expect that development should not significantly harm the amenities of occupiers of neighbouring properties, including from overbearing effect. The proposed would also conflict with paragraph 127 of the National Planning Policy Framework (2019), which requires planning decisions should create places that promote health and well-being with a high standard of amenity.
8. The appellant suggests that the existing street layout results in up to around 10m between the main rear elevations of dwellings as shown on the location plan. I do not regard that particular plan as providing a sufficiently detailed and accurate block plan for such comparisons, because the shape of No. 20 does not appear to be shown as it existed on site. I noted that along the boundary between Nos. 18 and 16, the garage of No. 16 extends approximately 12m south of the original rear wall of No. 18. However, because it is screened to a significant degree by No. 18's detached garage, and No. 16 does not have an approx. 6m high gable wall close to the boundary, the relationship between No. 16 and 18 is markedly different. In any event, I have considered the appeal on its own merits and impacts, and the existence of potentially unacceptable pre-existing arrangements nearby, does not provide justification for allowing a harmful development.
9. As referenced by the appellant, I have noted that no objections have been received, however this in itself, cannot be taken as a measure of a development being harmful or not harmful. Furthermore, as the occupancy of dwellings is transient over time, what may be tolerable to one occupier, may not be tolerable to another.
10. The appellant has referred to the fact that the proposed development would maintain good degree of privacy between Nos. 18 and 20, would meet other criteria of Policies DP7 and CSP18, and no objection is raised by the Council in respect of its relationship and integration with the host dwelling. However, this does not override or mitigate the harmful impact I have found in respect of overbearing, set out above.

## **Conclusion**

11. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Dan Szymanski*

INSPECTOR