



Appeal Decision

Site visit made on 26 September 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/L3625/D/19/3232996

8 Jasmine Close, Redhill RH1 5LH

- 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 Mrs Sarah Marsh against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/00363/HHOLD, dated 20 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is the construction of a new single-storey rear and side extension, and a new single-storey front lean-to extension comprising of a front porch and bay window.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new single-storey rear and side extension, and a new single-storey front lean-to extension comprising of a front porch and bay window at 8 Jasmine Close, Redhill RH1 5LH in accordance with the terms of the application, Ref: 19/00363/HHOLD, dated 20 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A18002 A(S1)01 (Location Plan), A18002 A(S3)05 (Proposed Floor Plans), A18002 A(S3)06 (Proposed Elevations) and A18002 A(S3)07 (Proposed Block Plan).
 - 3) The external surfaces of the development hereby permitted shall be constructed in accordance with the materials specified on the approved plans.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of 6 Jasmine Close with particular regard to outlook, daylight and sunlight.

Reasons

3. The appeal site is a two-storey semi-detached dwelling located on the southern side of Jasmine Close. It is proposed to erect a 'wrap around' single-storey rear and side extension and a single-storey lean-to extension to the front of the

property. Both extensions would have a brick exterior to match the host building. The front extension would have a concrete tile roof, whilst the 'wrap around' extension would have a zinc roof.

4. On the rear elevation of No 6 Jasmine Close there is a ground-floor window and a small extension with a pair of French doors. The window and doors are clearly glazed and serve habitable accommodation. The users of these rooms presently have views over their rear garden, which is about 20 metres in length. From the window, the flank elevation of a small extension is seen to the right and the boundary wall and fence with the appeal site is seen to the left.
5. The proposal would introduce built form along the shared boundary with No 6, which would be in close proximity to the neighbouring ground floor window. The impact of the additional built form, when viewed from the rear of No 6, would be limited due to the low single-storey height, whereby the eaves of the extension broadly aligns with the top of the neighbouring window, and shallow roof design of the proposed rear extension, which slopes away from No 6, with the garden views from the rear of No 6 remaining largely unaltered by the proposal. Consequently, I conclude that the occupiers of No 6 would retain an acceptable outlook and that the proposal would not lead to an oppressive sense of enclosure when viewed from the aforementioned habitable room windows or the rear garden.
6. In terms of daylight and sunlight, the rear of No 6 faces south west and therefore the rearward facing rooms receive most of their daylight and sunlight from the late morning to the evening. The proposed extension would be located to the south-east of No 6. Given the low single-storey height of the proposal and the shallow roof design, it would only cause a very limited amount of shadowing to the rear of No 6, which would be for a relatively short period of the day due to the depth of the proposed extension. Consequently, I conclude that the proposal would not result in a material loss of daylight or sunlight for the occupiers of No 6.
7. I acknowledge that the depth of the proposal exceeds 3.3 metres, which conflicts with the advice on single-storey rear extensions to semi-detached properties, as contained within the Council's Supplementary Planning Guidance: Householder Extensions & Alterations (March 2004) (SPG). However, I note that the SPG states that *'this guidance cannot cover every situation, but it explains the factors that the Council may take into consideration when determining a householder planning application. There may also be factors that allow for a departure from this guidance'*. In this instance, I have assessed the proposal on its own merits and found it to be acceptable.
8. For the collective reasons outlined above, I conclude that the proposed development would not cause significant and demonstrable harm to the living conditions of the occupiers of No 6 Jasmine Close with particular regard to outlook, daylight and sunlight. As such, the proposal would accord with Saved Policies Ho9, Ho13 and Ho16 of the Reigate and Banstead Borough Local Plan (2005), which, amongst other things, require development to safeguard the amenities of adjoining properties. In addition, the proposal would accord with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires that development does not have an adverse impact on the amenities of existing and future occupants.

9. Whilst I have found some technical conflict with the SPG, in this case the approval of planning permission is justified in so far that the proposal would be acceptable in living conditions terms.

Conditions

10. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
11. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. In the interests of precision, I have amended the wording of the Council's suggested condition.
12. The Council suggest that a condition could be imposed which would require the side facing windows of the side extension to be obscurely glazed to avoid any mutual overlooking between the appeal property and No 10 Jasmine Close. Given that a comparable level of mutual overlooking already occurs between the respective properties, I consider that imposing such a condition would be unnecessary and unreasonable and thus it would fail the tests as laid out in paragraph 55 of the Framework.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell

INSPECTOR