
Appeal Decision

Site visit made on 19 November 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/M3645/D/19/3235595

7 Loxford Way, Caterham CR3 6BX

- 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 Bevan Roberts against the decision of Tandridge District Council.
 - The application Ref TA/2019/910, dated 16 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is part two storey/part single storey rear extension, dormer to rear and porch to front.
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Decision

1. The appeal is allowed and planning permission is granted for part two storey/part single storey rear extension, dormer to rear and porch to front at 7 Loxford Way, Caterham CR3 6BX in accordance with the terms of the application, Ref TA/2019/910, dated 16 May 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:

Location plan; block plan; 19/029-01; 19/029-02; 19/029-03; 19/029-04; and 19/029-05.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before the development hereby approved is occupied the ground floor windows to the west elevation and roof light to the east roof slope shall be fitted with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed and shall be permanently maintained as such.

Preliminary Matter

2. The description of development shown on the Council's decision notice and the appellant's appeal form is more precise than the description shown on the

planning application form. I have therefore used this description in the banner heading and the decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and overshadowing, and (ii) the character and appearance of the area.

Reasons

Living conditions

4. The nearest residential properties are No 6 Loxford Way to the west and No 8 to the east. Due to the topography of the area, the land level of the appeal site is higher than No 6 and lower than No 8.
5. The proposed development would increase the ridge height of the existing 2 storey extension on the western side of the host dwelling (adjacent to No 6) by approximately 0.6m and would extend a small distance of about 1 metre beyond the rear wall of the existing garage. The roof would slope down to a low eaves height on the rear elevation and would include a rear dormer. As a result of the low rear eaves line and the small projection beyond the rear of the existing garage, the additional bulk arising from the part of the proposal nearest to No 6 would be small.
6. The main bulk of the proposed development would be sited further from the boundary with No 6 and would consist of a 2 storey rear extension with a hipped roof to match the ridge and eaves heights of the main roof. This element of the proposed development would be approximately 3.3 metres deep and would be positioned a sizeable distance of around 7.3 metres from the boundary with No 6. Taking the above factors into account, whilst the appeal property is positioned on higher ground than No 6, the proposed development would not appear overbearing or cause significant overshadowing of the neighbouring property.
7. The proposed 2 storey rear extension would be positioned around 4 metres from the boundary with No 8. This amount of separation, together with the modest depth of the proposed extension at around 3.3 metres and the higher land level of the neighbouring property, would ensure that the proposed development would not appear overbearing in relation to the neighbouring property or cause excessive overshadowing.
8. My attention has been drawn to a previous dismissed appeal decision (Ref APP/M3645/D/18/3214264) for a part single/two storey side and rear extension at No 7. The Inspector for that case found that the proposal would not cause significant overshadowing of No 6, however he concluded that it would appear overbearing to the neighbouring occupiers. The current appeal scheme is materially different to the previous dismissed appeal. In particular, the current appeal scheme is designed with a low rear eaves line, which, in comparison to the previous dismissed appeal, would significantly reduce the bulk of the proposed side elevation and appear less imposing in relation to the neighbouring property.
9. For the above reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of neighbouring

properties. The proposal would therefore comply with Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029, Policy CSP18 of the Tandridge District Core Strategy (2008) and the Harestone Valley Design Guidance, which, amongst other things, state that new development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.

Character and appearance

10. The appeal site is located in Character Area D of the Harestone Valley Special Residential Character Area. The area predominantly consists of detached dwellings of varying design that are situated on spacious plots. The topography of Loxford Way slopes steeply downwards from east to west. The street scene has a verdant feel due to the set-back of the houses from the road; the spacing of the dwellings and the views of mature trees.
11. The proposed increase in ridge height of the existing 2 storey extension on the western side of the dwelling would be relatively small and would remain set down from the ridge line of the main roof. This would ensure that the side extension would still appear subservient to the original dwelling. The proposal would respect the form and proportions of the host dwelling. The front porch would be modest in size and would integrate satisfactorily. The proposed development would therefore have no adverse effect on the character and appearance of the street scene.
12. The proposed 2 storey rear extension would be designed with a hipped roof, which would respect the roof form of the host dwelling. The width and depth of this element of the proposal would appear proportionate to the host dwelling and it would achieve a subordinate appearance. The part of the appeal scheme nearest to No 6 would respect the form of the existing extension on the western side of the dwelling. The provision of a low eaves line on the rear elevation would ensure that the proposed development would not appear bulky. Consequently, I find that the appeal scheme would provide a coherent appearance.
13. For the above reasons, I conclude that the proposed development would respect the character and appearance of the area. The proposal would therefore comply with Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029, Policy CSP18 of the Tandridge District Core Strategy (2008) and the Harestone Valley Design Guidance, which, amongst other things, state that new development will be required to be of a high standard of design that must reflect and respect the character, setting and local context.

Other Matters

14. I have had regard to the representations from local residents, which raise concerns including: the ground level of No 7 is some 0.9 metres higher than the ground level of No 6 and as a consequence an imposing brick wall towers over the patio and garden; and, the windows on the west elevation will impose on privacy.
15. Whilst the land level of No 7 is higher than No 6, the proposed development would not cause a significant loss of outlook to the neighbouring property, as

discussed in the main issues. The 2 proposed ground floor windows in the western facing side wall of the host dwelling would afford views above the boundary fence into No 6 due to the difference in land levels. Nevertheless, I am satisfied that the privacy of the occupants of No 6 could be adequately protected through the imposition of a condition, as described in the conditions section below.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty. In order to maintain the character and appearance of the dwelling and the surrounding area, I have also imposed a condition requiring the external surfaces of the development to be finished in materials to match those used in the existing building.
17. In order to protect the privacy of neighbouring occupiers, I have imposed a condition to require that the ground floor windows in the western facing side wall and the rooflight in the eastern facing roof slope shall be fitted with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the room of the room in which the windows are installed.

Conclusion

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

C Osgathorp

INSPECTOR