



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/19/3235079
105 Limpsfield Road, Warlingham CR6 9RH

- 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 Jonathan Cheshire against the decision of Tandridge District Council.
 - The application Ref TA/2019/833, dated 2 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 105 Limpsfield Road, Warlingham CR6 9RH in accordance with the terms of the application, Ref TA/2019/833, dated 2 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; LR_101 rev A; 52-50; 52-51; and 52-52.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the host dwelling and the surrounding area, and (ii) the living conditions of the occupiers of Nos 107 and 109 Limpsfield Road, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property is a 2 storey semi-detached dwelling located in an established residential area. The host dwelling has an existing ground floor side and rear extension that is set back from the front elevation. The buildings in this section of Limpsfield Road are predominantly semi-detached and they are set back from the road.

4. The proposed first floor extension would wrap around the side and rear elevations of the host dwelling. The width of the side part of the proposed extension, at around 3.4 metres, would appear proportionate to the host dwelling when viewed from Limpsfield Road. The considerable set-back of the proposed extension from the original front wall and its setting down from the ridgeline of the main roof would provide a subordinate appearance in the street scene. Moreover, it would maintain a gap of about 1 metre to the side boundary, which, together with the pitched roof design, would provide adequate spacing to the neighbouring building to the south-east.
5. Whilst the width of the rear elevation of the proposed extension, at approximately 7 metres, would be sizeable, the stepping of the rear wall would break up its mass. The setting down of the extension from the ridgeline of the main roof would further limit the bulk of the proposed extension in relation to the host dwelling.
6. For the above reasons, I conclude that the proposed development would respect the character and appearance of the host dwelling and the surrounding area. The proposal would therefore comply with Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 and Policy CSP18 of the Tandridge District Core Strategy (2008), 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.

Living conditions

7. The adjacent properties to the south-east at Nos 107 and 109 Limpsfield Road consist of ground floor and first floor maisonettes. The neighbouring maisonettes have windows in the north-western side elevation which face the appeal site. The Council indicates that the windows serve rooms including a kitchen and it is concerned that the proposal would have an overbearing impact on the neighbouring properties.
8. The proposed extension would be set-back from the front elevation of the host dwelling, which would allow views to the front of the extension from the neighbouring windows. Consequently, whilst the proposed extension would be visible, it would not cause a significant loss of outlook or appear overbearing in relation to the neighbouring windows.
9. The proposed extension would not cause a significant loss of outlook to the rear habitable windows due to the distance that it would maintain to the windows. Furthermore, taking into account that the proposed extension would be set in the from the side boundary and that its roof would be quite low relative to the ridgeline of the main roof, it would not appear overbearing in respect of the rear gardens of the neighbouring properties.
10. For the above reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of Nos 107 and 109 Limpsfield Road. The proposal therefore complies with Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 and Policy CSP18 of the Tandridge District Core Strategy (2008), 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.

Other Matters

11. I have had regard to the representations from local residents, which, in addition to the above matters, raise concerns in relation to: the proposal would effect light to rear bedrooms; it would cast a shadow on our extension and patio; and, it would be an eyesore as no other property has a rear first floor extension.
12. The proposed development would not cause a significant loss of light to the rear bedroom windows of the neighbouring properties to either side of the host dwelling due to the distance that would be maintained to the neighbouring windows. Furthermore, the proposed extension would be positioned to the north of No 107 and therefore would not cause significant overshadowing of the neighbouring garden. Moreover, the proposal would not appear oppressive or cause overshadowing to No 103 due to the sizeable distance that the proposed extension would be set in from the boundary.
13. The absence of other first floor rear extensions in the immediate vicinity of the appeal site is not a sufficient reason to withhold planning permission. As discussed in the main issues above, the proposed extension would respect the character and appearance of the host dwelling and the surrounding area, in accordance with development plan policies.

Conditions

14. 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.
15. The Council has requested a condition to prevent the installation of windows in the south-eastern side elevation of the proposed extension in order to protect the amenities and privacy of the occupiers of adjoining properties. Nevertheless, Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 includes a condition that any upper floor side windows permitted by Class A must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows is installed. This would ensure that any upper floor side window installed under Class A would protect the privacy of the occupiers of neighbouring properties. The suggested condition therefore is not necessary.

Conclusion

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

C Osgathorp

INSPECTOR