
Appeal Decision

Site visit made on 19 November 2019

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd December 2019

Appeal Ref: APP/L3625/D/19/3237723

9 Old Oak Avenue, Chipstead CR5 3PG

- 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 and Mrs Curley against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/01440/HHOLD, dated 19 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is two storey front and side extension, formation of front porch, partial removal of existing rear extension, garage conversion and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for two storey front and side extension, formation of front porch, partial removal of existing rear extension, garage conversion and internal alterations at 9 Old Oak Avenue, Chipstead, CR5 3PG in accordance with the terms of the application, Ref 19/01440/HHOLD, dated 19 July 2019, and the plans submitted with it, 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 plan 197019/RFD/CJD.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the host property.

Procedural Matters

2. On the 26 September 2019 the Reigate and Banstead Development Management Plan (DMP) was formally adopted by the Council. Consequently, saved policies H09, H013, and H016 of the Reigate and Banstead Local Plan (2015), which were referred to within the decision notice, were superseded by the policies of the DMP. The appellant was made aware of this through the Council's questionnaire.
3. I have been referred to Policies DES1 and DES2 of the DMP. However, only Policy DES1 is of relevance as Policy DES2 of the DMP relates to the development of residential garden land. The appeal proposal relates to a domestic extension.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions at no 8 Old Oak Avenue with regard to outlook.

Reasons

5. Old Oak Avenue curves slightly and slopes up a slight incline. As a consequence of which there is no set building line. The host property sits on land which is higher than that at number 8 Old Oak Avenue and its rear elevation extends considerably beyond that of its neighbour. Moreover, due to the orientation and relationship of the two properties the existing side elevation of the host property slightly cuts across the rear of number 8 Old Oak Avenue.
6. When viewed from the generous garden at number 8 Old Oak Avenue, the existing side elevation of the flat roofed utility room of the host property is clearly visible, as is the two-storey side elevation beyond. However, due to the scale and design of the garden it does not appear obtrusive.
7. The proposed development would bring the two-storey side elevation in line with the existing garage, and therefore, closer to the neighbouring property. However, the ridge line of the hip roof which would form the bulk of the roof, visible from the garden, would be significantly lower than that of the host property. Moreover, the proposed development would not project so far back as the existing flat roofed utility room, as the rear elevation would be flush with the rest of the property.
8. From what I observed, from the rear of the neighbouring property, the proposed two storey side extension, together with the small single storey half hipped element would be clearly visible from the small terrace area, close to the house, which appears to be used for sitting out, and the long garden which is reached via a small run of steps.
9. However, this does not itself mean that it would have a significant adverse impact on the outlook enjoyed from the garden and from the rooms looking out onto the generous garden. This is because the main focus when sat out in, or, enjoying the garden would remain the garden itself. Similarly, when looking out of the french doors or windows, the eye would be drawn along the length of the garden. Indeed, the design of the proposed development has due regard to the particular site-specific circumstances of the relationship with the neighbouring property and would not appear overbearing.
10. As such, the proposed development is consistent with the objective of policy DES1 of the DMP to achieve high quality design and the updated January 2012, Supplementary Planning Guidance on Householder Extensions and Alterations.

Conditions

11. I have imposed the standard commencement condition and a condition specifying the approved drawings, in the interests of certainty. I have also imposed a condition requiring the external materials to match those of the existing dwelling, to ensure that the extension appears harmonious.

Conclusion

12. For the reasons given above the appeal should be allowed.

L. Nurser

INSPECTOR