



Appeal Decision

Site visit made on 22 October 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/M3645/D/19/3236312

25 Beadles Lane, Oxted RH8 9JG

- 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 Eoghan and Katerina Keoghan against the decision of Tandridge District Council.
 - The application Ref TA/2019/837, dated 2 May 2019, was refused by notice dated 8 July 2019.
 - The development is 'Two storey side extension and conversion of roof space to habitable use to include 1 x front, 1 x side and 1 x rear dormers'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. During the planning application process the description of the development was revised from that stated on the application form. The change to the description does not alter the nature of the development and therefore the appeal decision has been based on the revised description of development.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 27 Beadles Lane with regard to outlook and privacy.

Reasons for the Recommendation

5. The appeal property is in a Defined Village in the Green Wedge where Policy DC12 of the Tandridge District Local Plan Part 2 Detailed Policies (2014 – 2029) ('the LP') permits extensions and alterations to existing buildings in principle. However, such development will also be subject to any other relevant development plan policies. In this case these include LP Policy DP7 and Policy CSP18 of the Tandridge District Core Strategy ('the Core Strategy') which seek, amongst other things, to ensure that development does not significantly harm the amenities of the occupiers of neighbouring properties.

6. The neighbouring property 27 Beadles Lane (No 27) is located forward of, and to the south, of the appeal property. In addition to this staggered relationship, there is a substantial drop in levels, with No 27 being on lower ground. A narrow path and gate to access the back of the appeal property currently separates the built form of the appeal property from the boundary with No 27. There is a window on the first floor of the appeal property and a small glass conservatory from which views of the neighbouring property and garden would be possible. There are also two small windows located in the side of the garage facing No 27, but views are obscured by opaque glass.
7. The proposed two storey side extension features a number of windows, and a dormer window is also proposed at the side of the property facing No 27. Whilst these proposed windows would be located closer to the boundary, given the existing intervisibility between properties and that conditions could be imposed to require obscure glazing, there would be no significant loss of privacy. Similarly, because the proposed extension would be against the backdrop of the existing side wall of the appeal property and having regard to the orientation of No 27 to the south of the appeal property, any loss of light would be minimal. As such, there would be no material harm from overlooking or overshadowing.
8. However, the proposed extension would substantially increase the scale of built form within close proximity to the boundary with No 27's garden. The additional scale would be considerably greater than the existing garage and conservatory and although the extension would have a hipped roof sloping away from the boundary, the proposed dormer would add to its bulk and visual impact. From within the neighbouring garden the outlook would be dominated by the proposed extension and whilst the appellants suggest the use of decorative string courses, this would not be enough to alleviate the imposing nature of the development. Moreover, the drop in elevation between the properties would significantly compound the overbearing nature of the proposal. On this basis, the scale and proximity of the development would have an oppressive impact that would cause unacceptable harm to the outlook of the occupants of No 27.
9. I conclude that the proposal would be harmful to the living conditions of the neighbouring occupants, contrary to LP Policy DP7 and Policy CSP18 of the Core Strategy.

Other Matters

10. I have had full regard to the circumstances that contribute to the need for the proposal, and I have taken account of policies that encourage special needs housing and 'Lifetime Homes'. In particular, I note that LP Policy DP7 seeks to maximise opportunities to improve health, social and cultural well-being for all. However, this must be balanced with the environmental impacts that a development can have, and in this case the harm that I have identified would be significant and would not be outweighed by these considerations.
11. The appellants refer to a planned extension at No 27 in support of the appeal. However, the design of the extension is different, and on the side the extension is proposed there is not the same change in levels with the neighbouring property as occurs in this case. Therefore, it is not directly comparable to the proposal, which I have determined on its own merits.

12. The lack of harm to the character and appearance of the area, and other acceptable aspects of the development are also noted, but these are neutral factors that do not override the identified harm.

Conclusion and Recommendation

13. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

P J Davies

INSPECTOR