
Appeal Decision

Site visit made on 7 July 2020

by D.R McCreery MA BA (Hons) MRTPI

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

Decision date: 13 July 2020

Appeal Ref: APP/L3625/W/20/3244912

103 High Street, Banstead SM7 2NL

- 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 P Montalto (MD Private Ltd) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02032/F, dated 8 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is extension of first floor office at rear and addition of a flat above.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of neighbouring properties at 103A and 105 High Street, with particular regard to sense of enclosure and loss of privacy.

Reasons

3. The existing first floor office space to the rear of 103 would be extended to provide additional office space at first floor level and a residential unit at second floor level that would be accessed via an external staircase. The extension and staircase would occupy a space that is identified on the plans as a roof terrace. The wider space currently provides external access and amenity areas to both the existing office and the 2 storey maisonette known as 103A.
4. The proposed extension would bring a built form considerably closer to 103A. At 2 storeys high and spanning the width of the roof terrace, the structure as extended would create a dominant and oppressive feature which would provide greater enclosure to the small amenity area and facing windows at 103A. The result for the occupiers of 103A would be an overbearing effect that would impact significantly on their living conditions.
5. I acknowledge that one of the affected windows serves a bathroom that has a window with obscured glazing. Nevertheless, the impact on other windows that serve the kitchen and bedrooms and also the amenity space would be significant.

6. Attempts to lessen the effect by stepping part of the extension in would be ineffective and negated by the external staircase and landing that, whilst seen against the backdrop of the extension, would in combination further heighten the oppressive nature of the proposal.
7. Turning to loss of privacy, the occupiers of 103A already appear to experience relatively poor privacy conditions as a result of the shared access arrangements with the existing office, which allows unencumbered and close views towards both their small amenity area and kitchen window. The external staircase and landing of the proposed development would create new views towards these spaces and also the second floor bedrooms. Whilst the staircase and landing would be transient spaces, given the proximity of the proposed development to 103A discussed above and the existing conditions, the level of further privacy loss would be significant.
8. Conditions designed to provide additional screening and otherwise reduce the impact would not lessen the effect to an acceptable degree, in particular given the proximity of the proposed development to 103A and the direct nature of the views that would be created.
9. In relation to loss of privacy to 105, the staircase and landing would create new views into the rear amenity space and towards the windows of this property. Due to the degree of impact and presence of the existing fence on the boundary, the loss of privacy resulting from the proposed development could be reduced to an acceptable level using planning conditions, for example to provide additional screening at key points along the boundary between 103 and 105.
10. For the reasons set out above I conclude that, whilst the proposed development would not harm the living conditions of occupiers of 105, it would have a harmful effect on the living conditions of 103A, in particular with regard to sense of enclosure and loss of privacy. Consequently I find conflict with policies in the Reigate and Banstead Development Management Plan 2019, in particular Policy DES1 in relation to overbearing impacts and loss of privacy to occupiers of neighbouring properties.

Conclusion

11. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR