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## Appeal Decision

Site visit made on 18 February 2020

**by S Thomas BSc (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 August 2020**

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**Appeal Ref: APP/L3625/W/19/3239529**

**St Johns Court, 51 St Johns Road, Redhill RH1 6DS**

- 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 Montreaux Ltd (c/o Alice French) against the decision of Reigate & Banstead Borough Council.
  - The application Ref 19/00827/F, dated 18 April 2019, was refused by notice dated 2 September 2019.
  - The development proposed is single storey roof extension to provide six residential units (use class C3), external alterations to the entrance with associated cycle and refuse storage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the Council made its decision, the appellant has put forward alternative plans. The Council has had the opportunity to comment on them but interested parties, including neighbours have not. Consequently, they have not been able to scrutinise the amendments. Given the nature of their objections to the scheme, even though the amendments are of a minor nature, they would nonetheless materially alter the nature of the scheme relative to those objections. Moreover, the Procedural Guide-Planning Appeals-England advises that the appeal process should not be used to evolve a scheme and if an applicant thinks that amending their proposal will overcome a local planning authority's reasons for refusal, they should normally make a fresh planning application. Therefore, the amended plans have not informed my decision.
3. Since the application was determined, the Council adopted the Reigate and Banstead Local Plan Development Management Plan (2019) (DMP). Consequently, the policies listed in the Council's decision notice have been replaced. The parties agree that the DMP policies relevant to my determination of the appeal are DES1 and TAP1. The Council also suggests that Policy EMP3 is relevant but given that it relates to employment use and considering the residential nature of the appeal scheme, I do not agree and have not taken it into account. As Policy TAP1 relates to access and parking, which is not a reason for refusal, it is only relevant insofar as it might bear on the imposition of conditions in the event of the appeal being allowed.

## **Main Issues**

4. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 47 St Johns Road with particular regard to privacy and on the occupiers of Nos 20/22 Emlyn Road with particular regard to outlook.

## **Reasons**

### *Character and Appearance*

5. The appeal relates to a former office building located at the junction of St Johns Road and Emlyn Road within a predominantly residential area typically comprising two-storey housing of varied design and character. Given the scale of the building compared to adjacent residential uses it is a prominent landmark in the street scene. Whilst there are examples of three storey dwellings in the locality, a three-storey building of the scale proposed is not a common feature.
6. The proposed extension would raise the height of the building above its existing highest point. Whilst I recognise the mansard roof has been designed to slope away from the eastern elevation to reduce its prominence, the increased height, together with the level of fenestration and increased height of fenestration on an already prominent building compared to surrounding dwellings would result in a dominant and imposing effect on the street scene. This is heightened by the scale of the mansard roof which is not a common feature on roofscapes in the area. This leads me to conclude the proposed eastern elevation would be visually imposing when viewed along Emlyn Road.
7. The mansard roof would contrast with the proposed central vertical three storey and two storey flat roof projection on the northern elevation. The three-storey vertical element would be a dominant feature along St Johns Road. Given the roof forms would be uncharacteristic of the surrounding context they would appear an incongruent feature. Whilst I acknowledge this is a corner site and the principle of a landmark building of alternative design could be acceptable, I find the increased height and varying roof forms would fail to integrate successfully and sit comfortably in the street scene.
8. The existing west elevation is set down from the road and the gently sloping roof reduces the prominence of this elevation. The steeper mansard extension would add considerable bulk to this elevation. Whilst I recognise that due to the change in levels along St Johns Road the impact of the proposal on the street scene in long range views from the west would be reduced, the mansard roof adjoined to the three-storey flat roof would appear an uncharacteristic and incongruent feature.
9. Whilst I note the proposal would incorporate some improvements to the building's design, for the above reasons it would result in harm to the character and appearance of the area and thereby conflict with Policy DES1 of the DMP. Amongst other things, this policy requires development to be of a high-quality design which makes a positive contribution to the character and appearance of its surroundings and immediate street scene and has due regard to scale, massing, height and roofscape of the surrounding area and relationship to neighbouring buildings.

*Living conditions of neighbouring occupiers*

10. Policy DES 1 of the DMP also states that development should not adversely impact on the amenity of occupants of existing nearby buildings, including by way of being overbearing and through loss of privacy.
11. The existing southern elevation fronts onto the rear garden areas of 20/22 Emlyn Road (Nos 20/22). However, the current arrangement is of a vertical pitched façade. The proposed mansard roof would be set back and whilst marginally higher would slope back and thus have less of a dominant impact on this elevation compared to the existing situation. Therefore, I conclude the proposal would not result in a harmful effect on the living conditions of the occupiers of Nos 20/22 in respect of outlook.
12. The existing western elevation is angled toward the garden area of No 47 St John St (No 47). Having observed the relationship of the existing building to the garden of this property, the existing building is a prominent and imposing feature. It would have been likely that office workers could have looked out over neighbouring properties, but the office use did not include purposely designed elevated areas for sitting out which I consider would result in a greater level of harm. Whilst I acknowledge the southernmost balconies of the proposed dwellings would have the greatest impact, the extent of balconies and their elevated nature particularly on the upper storey would lead to an increased sense of overlooking and would be of detriment to the privacy of the occupiers of No 47 when enjoying their garden.
13. For the reasons outlined above, whilst I do not find harm to the living conditions of the occupiers of Nos 20/22, I find that the proposal will result in harm to the living conditions of the occupiers of No 47 with regard to loss of privacy. Consequently, the proposal would be in conflict with Policy DES 1 of the DMP.

**Other Matters**

14. I acknowledge the site lies in a sustainable location accessible by a range of sustainable transport modes. The site would provide an opportunity for an efficient use of land to provide an additional 6 dwellings to the local housing supply. However, these benefits are not sufficient either singly or in combination to outweigh the clearly identified harm I have found to the area's character and appearance and neighbour's living conditions.

**Conclusion**

15. For the reasons above, the appeal is dismissed.

*S Thomas*

INSPECTOR