



Appeal Decision

Site visit made on 1 September 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2020

Appeal Ref: APP/M3645/D/20/3254525

42 Whyteleafe Road, Caterham CR3 5EF

- 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 Tim and Ana Larder against the decision of Tandridge District Council.
 - The application Ref TA/2020/229, dated 31 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is described as the "demolition of single storey side elements including outbuilding, construction of single and two storey side extension with alterations to rear fenestration and replacement roofs to existing side bay windows".
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a single and two storey side extension. The appeal is allowed insofar as it relates to alterations to the rear fenestration and replacement roofs to existing side bay windows. Thus, planning permission is granted for alterations to rear fenestration and replacement roofs to existing side bay windows at 42 Whyteleafe Road, Caterham CR3 5EF in accordance with the terms of application Ref TA/2020/229, dated 31 January 2020, 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 strictly in accordance with the following approved plans so far as they relate to the development hereby permitted: GB/TL/01 Rev A, GB/TL/02 Rev A, GB/TL/03 Rev A, GB/TL/04 Rev A, GB/TL/05 Rev A, GB/TL/06 Rev A and GB/TL/07 Rev A

Main Issues

2. The main issues are the effect of the development on the:
 - character and appearance of the area, including the host property; and,
 - living conditions of adjoining occupiers with particular regard to privacy at 44 Whyteleafe Road.

Reasons

Character and Appearance

3. The appeal site forms a detached dwelling that is set back some distance from Whyteleafe Road. The existing dwelling is a large building that is constructed of white painted render under a plain clay tile covered pitched roof along with sash

windows and three chimney stacks. The building is almost square in form and benefits from spacious grounds in this suburban setting. The appearance and layout of the property is well-designed and contributes to the character of the area.

4. The property has an existing single storey side extension that is set back from the main elevation of the dwelling. This particular element is limited in its scale and massing which ensures that it is not overly dominant in comparison to the main building. The proposal seeks to demolish this existing single storey side extension to replace it with a further single and two storey side extension that would be constructed using materials to match the existing property. The development would provide a double garage, utility room, WC, plant room and extended kitchen at ground floor level with additional accommodation over to create two additional bedrooms and a bathroom.
5. The development proposes three elements; a single and two storey side extension, alterations to the fenestration to the rear of the existing dwelling and replacement roofs to the existing bay windows on the southern elevation of the property. The proposed windows on the rear elevation would match the existing windows on the property in design and materials. Their location on the rear elevation would also be in keeping with the overall character of the dwelling. With regard to the new roofs over the existing bay windows, these would be constructed of rolled lead to replace the existing flat roof which would improve the overall character of the dwelling. Thus, the proposed changes to the rear fenestration and bay window roofs are considered acceptable.
6. Turning to the proposed side extension, it would naturally add to the overall bulk of the building. However, the proposal would introduce a substantial built form to the side of the host property, almost doubling the width of the existing building, competing with the overall dominance of the main dwelling within the site. Furthermore, while the roof of the main element of the extension proposes a pitched roof to replicate that on the main dwelling, as the proposed link would follow the existing eaves height and would have a shallower overall height, it appears as a somewhat squat and incongruous addition that fails to harmonise with the character and form of the main dwelling. The combination of roof styles represents a somewhat awkward and discordant addition, and coupled with the overall massing of the extension, would result in harm to the appearance of the existing dwelling.
7. Although the main dwelling is set back from the road, the extension would nonetheless be visible through the gap that exists between 44 and 46a Whyteleafe Road and from the surrounding properties.
8. Thus, the proposal would fail to reflect and respect the character of the main dwelling. It would be in conflict with Policy CSP18 of the Tandridge District Council Core Strategy 2008 (the Core Strategy) and Policy DP7 of the Tandridge District Council Local Plan Part 2: Detailed Policies 2014 (the Local Plan), which seek, amongst other things, to ensure that developments are of a high standard that must reflect and respect its character, setting and context and have a complementary building design.

Living Conditions

9. The existing dwelling is set back some distance within the site and benefits from a deep front garden that has a gravelled drive. As one enters the site, immediately north is 44 Whyteleafe Road (No. 44) which, along with its rear garden, abuts the drive as you enter the site. The property at No. 44 therefore sits forward of the main dwelling.

10. The extension proposes a bedroom at first floor level with a window in its western elevation. Policy DP7 of the Local Plan requires that to safeguard the amenity of neighbouring properties, where habitable rooms would be in direct alignment, a minimum privacy distance of 22m is required. This distance may also be required to be increased to protect those parts of the garden that immediately adjoin the property. The Council calculate that the proposed extension would be some 12m from the boundary to No. 44 and 21.3m from its rear elevation. Thus, the proposal would fail to meet the distances required by Policy DP7 of the Local Plan and would enable overlooking to the rear garden area to No. 44 as well as habitable rooms that are served by windows on its rear elevation.
11. A hedge and a belt of trees follow the entrance of the drive to the appeal site and the rear of the boundary to No. 44. The neighbour has provided a photograph from a bedroom window on the rear elevation of No. 44 which demonstrates that despite the extensive landscaping that exists on the shared boundary, the existing property at the appeal site is still clearly visible. While the area where the extension is to be located would be partially obscured by the trees on the boundary, these are deciduous which would shed their leaves for part of the year, thereby allowing overlooking to No. 44's rear garden area and habitable rooms. Moreover, although the trees would shield the development for part of the year, there would nonetheless still be a strong perception of being overlooked. Furthermore, landscaping cannot be guaranteed to remain in perpetuity and can change over time.
12. Thus, notwithstanding the landscaping on the boundary, the proposed extension, especially the window on the western elevation serving bedroom four, would result in overlooking to habitable rooms and the rear garden area at No. 44 Whyteleafe Road. This loss of privacy would affect the living conditions that the occupiers of the dwelling currently enjoy. In addition, although there may be an element of existing mutual overlooking between the properties, the proposed extension would be in direct alignment with the rear of No. 44. In any event, the existing arrangement does not represent an appropriate reason to allow a development that would cause additional loss of privacy.
13. Thus, the development would result in harm to the living conditions of adjoining occupiers. It would be in conflict with Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan, which seek, amongst other things, to ensure that developments do not significantly harm the amenities and privacy of occupiers of neighbouring dwellings.

Other Matters

14. I acknowledge that the appellants are seeking to remodel their property to meet their family's needs and that this proposal is considered to be more cost effective and less disruptive than other schemes that have been approved at the site. However, while noting the benefits that would result in this respect, and any other material consideration that has been advanced, they are not sufficient to outweigh the harm that I have identified above.

Conditions

15. The Council has suggested conditions should I be minded to allow the appeal. Along with the standard time condition, the approved plans, where relevant to the development being permitted, should also be specified to provide certainty. As the approved plans also state the materials to be used, there is no requirement for an additional condition to ensure the materials match the existing building.

Conclusion

16. In reaching a split decision, I find the proposed single and two storey side extension to be distinct and severable from the remaining elements that are considered acceptable. Therefore, having regard to the development plan when read as a whole, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the alterations to the rear fenestration and the roofs of the bay windows, but dismissed insofar as it relates to the single storey and two storey side extension.

Graham Wyatt

INSPECTOR