



Appeal Decision

Site visit made on 12 November 2020

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/L3625/D/20/3253166

Alcombe, 20 Stagbury Avenue, Chipstead, Surrey, CR5 3PA.

- 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 Mrs M Middleton against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/00177/HHOLD, dated 27 January 2020, was refused by notice dated 16 April 2020.
 - The development proposed is described as proposed extension to create a true first floor level, new garage, covered entrance, floorplan redesign and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a true first floor level, new garage, covered entrance, floorplan redesign and all associated works at 20 Stagbury Avenue, Chipstead, Surrey, CR5 3PA in accordance with the terms of the application, Ref 20/00177/HHOLD, dated 27 January 2020 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 plans: TQRQM2002244129068, 16479- 101, 16479-102, 16479-103, 16479- 104, 16479-105, 16479-106, 16479-201, 16479-202, 16479-203, 16479-301, 16479-302, 16479 – 401 and 16479-402.
- 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted must be as specified within the application or as approved in writing by the local planning authority, with the exception of the roof tile and no development shall take place above ground floor level until samples of the roof tile have been submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 19 Stagbury Avenue, (No.19), with particular regard to visual impact, daylight and sunlight.

Reasons

3. Stagbury Avenue is located within an established suburban area that is characterised by a diverse range of detached single, one and half and two storey dwellings which occupy generous sized plots. This together with their staggered front and rear building lines and the sloping topography of the area contributes to the informal and spacious character and appearance of the locality.
4. The appeal site is located towards the southern end of Stagbury Avenue and comprises a brick built bungalow with a plain tiled pitched roof. It has a spacious rear garden which slopes up to the northeast and southeast and there is a tall Beech hedge running along the boundary between the appeal property and No.19. The dwellings on either side of the appeal property are two storeys in height and project close to the side boundaries of the appeal site. The three dwellings have varied front and rear building lines, although they are broadly in line with each other and follow the alignment of the road.
5. Amongst other things policy DES1 of the Reigate and Banstead Local Plan Development Management Plan 2019 (DPD), seeks to ensure that new development does not adversely impact upon the living conditions of the occupiers of neighbouring properties due to visual impact, overshadowing or loss of privacy. The National Planning Policy Framework (Framework) states that new development should provide a high standard of amenity for existing and future users.
6. Consistent with this the Council's Householder Extensions and Alterations Supplementary Planning Guidance 2004 (SPG), provides advice on how to ensure that two storey rear additions do not appear overly dominant or result in an unacceptable level of overshadowing. It advises that two storey extensions should be sited away from side boundaries with adjacent dwellings to prevent them from being visually dominant and to take account of the immediate outlook from neighbouring properties.
7. The flank wall of the appeal dwelling is located to the southwest/south and projects in excess of six metres beyond the rear wall of the dwelling at No.19. With the proposal the height of this flank wall would be increased to some 5.30 metres and the ridge height would be increased to 8.84 metres. However, the proposed new roof would be fully hipped and a gap of in excess of two metres would be maintained between the two houses. The ground levels within the rear gardens rise steeply to the rear and the Beech hedge between the two dwellings projects along the boundary between the two properties from the front boundary to part way along the deep rear gardens. Within the rear garden environment, the hedge is well in excess of two metres in height and has the visual impact of a far taller hedge due to the rising ground levels.
8. Whilst the proposed extension would be clearly visible from the adjacent ground and first floor windows at No.19, a sense of space between the two buildings would be retained. The existing boundary hedge would screen much of the proposed resultant flank wall from the rear facing rooms and rear sitting out area at No.19. The hedge would also continue to provide a strong visual barrier between the two properties. As a result, the dwelling and sitting out area at No.19 would retain its open and expansive outlook into the elevated rear garden environment.

9. To assess any likely loss of daylight the SPG refers to the horizontal and vertical 45 degree tests set out in British Standard (BS 8206: Part 2: 1992), which is based on the Building Research Establishment's Good Practice Guide (1991) (BSE). No such assessment has been submitted with the appeal documents, although the Council has confirmed that the proposal would not breach the vertical 45 degree line, but would breach the horizontal 45 degree line. As advised in the BSE, such assessments need to be interpreted flexibly and take account of the circumstances of each case.
10. Not only does the appeal dwelling breach the 45 degree line, the Beech hedge exacerbates the situation due to its height and depth. Despite this, the dwelling and patio at No.19 are wide and have an open aspect along their spacious rear garden. This results in good levels of daylight within the rear facing rooms and patio at No.19. With the proposal the rear facing rooms and patio at No.19 would continue to benefit from good levels of daylight, both from the rear garden area and the living room window at the front of the property.
11. In relation to sunlight, the rear elevation of the dwelling at No.19 has a south easterly aspect. The existing dwelling on the appeal site and the boundary hedge already cause loss of sunlight within the southern part of the patio and within the adjacent ground floor living room at No.19. With the proposal this would increase, particularly during the winter months. However, the overshadowing would be for a relatively short period because the dwelling at No.19 already blocks sunlight from reaching its rear windows during the latter part of the day.
12. Having regard to the above factors the dwelling at No.19, together with its rear patio and garden would continue to have an open and spacious outlook and good levels of daylight and sunlight.
13. For these reasons, I conclude on the main issue that the proposal would not have a materially adverse impact on the living conditions of the occupiers of No.19 and the proposal would comply with policy DES1 of the DPD, the SPD and the Framework.

Elizabeth Lawrence

INSPECTOR