



Appeal Decision

Site visit made on 10 November 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09/12/2020

Appeal Ref: APP/L3625/W/20/3246118

1 Fox Lane Reigate RH2 9NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Griffin against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 19/02361/HHOLD is dated 19 November 2019.
 - The development proposed is upper storey rear extension with pitched roof and a single storey rear extension with a mono pitched roof. The ridge of the lower section of existing pitched roof (over Garage) to be raised by 700mm (approx.)
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Decision

1. The appeal is allowed and planning permission is granted for upper storey rear extension with pitched roof and a single storey rear extension with a mono pitched roof; the ridge of the lower section of existing pitched roof (over Garage) to be raised by 700mm (approx.) at 1 Fox Lane, Reigate RH2 9NQ in accordance with the terms of the application Ref: 19/02361/HHOLD dated 19 November 2019, 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: 1909-1 FoxLane-01; 1909-1FoxLane-02 and 1909-1FoxLane-03.
 - 3) The materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The first floor window in the rear (west) elevation of the development hereby permitted shall have a cill height not less than 1.7 metres above the floor of the room in which the window is installed, and shall be maintained as such at all times.
 - 5) The first floor windows in the side (north and south) elevations of the development hereby permitted shall be glazed with obscured glass and shall be non-opening (except for emergency purposes) unless the parts of the window which can be opened are not less than 1.7 metres above the floor of the room in which the window is installed, and shall be maintained as such at all times.

Preliminary Matters and Main Issue

2. The appeal was submitted on 3 February 2020, against the failure of the Council to give notice within the prescribed period of a decision on an application for planning permission. The Council issued its decision notice very shortly thereafter, on 5 February 2020. I have considered the reasons for refusal as the reasons that it would have refused the application on, had it been before the Council for determination.
3. From a consideration of all the information before me and my site visit, I agree with the Council that the proposed extensions and alterations to the appeal property would be well designed and would respect the character and appearance of the existing dwelling and the local area. I also agree with the Council that there would be no material effect on the living conditions of the immediate neighbours from the proposed ground floor rear extension and conversion and alteration works to the garage.
4. The main issue in this appeal is the effect of the proposed first floor rear extension on the living conditions of surrounding neighbours, with particular regard to loss of outlook.

Reasons

5. The appeal property is a two storey detached property on a modest plot, within a predominantly residential area. To the immediate rear of the appeal property and its enclosed rear garden, there is a pair of semi-detached properties, Nos 2 and 3 Fox Lane, with their areas of private amenity space facing towards the rear garden of the appeal property. To the immediate south and on a larger plot is Bourne Lodge at 78 Reigate Hill.
6. The proposed first floor addition to the appeal property, would extend the full depth over the existing single storey part of the dwelling. It would have a gable rear elevation set at a slightly lower level than the ridge line to the main roof. Facing towards the rear would be a high level window and the main window to serve the bedroom would face northwards and follow the same design style as the existing first floor windows. There would also be a window introduced at first floor level on the southern flank elevation.
7. I agree that the first floor proposal, on its own and taken together with the other proposed extensions and alterations, would add to the bulk and massing of the property and would be seen from the rear windows and gardens of neighbouring properties, including Nos 2 and 3 Fox Lane and Bourne Lodge. However, the first floor extension would present a simple gable facade at the rear, set down slightly from the main roof ridge. As a result of the design taken together with the distance between the rear elevation as extended and the property directly to the rear at No 2 Fox Lane I am satisfied that the proposals would not result in an over dominating or enclosing effect on the outlook for these neighbours, either from their windows facing towards the appeal property or their amenity space in front. Given its siting to the north of No 2, No 3 Fox Lane would be further offset from the proposed first floor extension. I am also satisfied that there would be no material harm to the outlook of these neighbours in terms of visual dominance or enclosing effect.
8. The property to the south, Bourne Lodge, sits in a much larger and wider plot. Although the neighbours at Bourne Lodge would be more aware of the

additional bulk and massing to the side as well as the rear of the appeal property, I consider that the separation distance of this property from the proposed extension would be sufficient that their outlook, whether from rear windows or their garden areas would not be harmed. Given the size of the plot and the separation distances, I do not consider that the extension would have a visually intrusive or enclosing effect on the living conditions of these neighbours.

9. The proposed high level window in the rear elevation would address any issues of direct overlooking and loss of privacy and the side window on the southern elevation would serve a bathroom and a condition should be imposed to require this to be in obscure glass, given its proximity to the boundary with the rear garden to Bourne Lodge. I have taken into account that it would be the principal window to the proposed bedroom, but the north facing window would face towards the side elevation of No 1 Quarry Cottages; I consider that this should be obscure glazed and its opening limited (except for emergency reasons) to protect the privacy of these neighbours in their garden area.
10. I am also satisfied that given the relationship of the appeal property to the immediate surrounding properties, including the separation distances and orientation there would be no material effect in terms of levels of light and over shadowing which would harm the living conditions of these neighbours.
11. I am therefore satisfied that the proposed extensions and alterations to the appeal property, with particular regard to the first floor rear extension would not materially harm the living conditions of the immediate neighbours, with particular regard to effect on outlook. There would be no conflict with Policy DES1 of the Reigate and Banstead Development Management Plan 2019, Policy CS4 of the Council's Core Strategy and the Council's Householder Extensions & Alterations SPG2004, as well as Paragraph 127 e) of the National Planning Policy Framework, all of which, amongst other things, seek to protect the amenities of existing and future occupiers.

Other Considerations

12. Concerns have been raised by neighbouring residents about the impact on parking from the proposed extensions, including from the changes proposed to the existing garage to become a gym, shower room and storage area. I have taken these matters into account but there is and would remain space in front of the property for the parking of cars. Furthermore, the Council has advised that as a result of its internal dimensions, the existing garage does not meet its current standards and would not therefore be classed as a car parking space. I do not therefore consider that there would be a material effect on parking as a result of the proposal.
13. I have also taken into account the points raised in respect of drainage and sewerage. However, the works relate to an existing property and I have no information before to indicate that the proposed works would result in any harm in respect of drainage and sewerage. The Council also raised no concerns in this regard.

Conditions and Conclusion

14. In terms of conditions, I agree with the standard conditions proposed by the Council. Matching materials with the existing dwelling are required in the

interests of protecting the character and appearance of the existing property and of the local area. I also agree that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

15. The Council has recommended conditions relating to the proposed windows at first floor level. I have already set out the reasons why I agree that the proposed windows in the side elevations, facing north and south, should be in obscure glass with restricted opening. However, given that it is proposed to be sited at high level, I see no planning reason why the proposed window in the western rear elevation need be further restricted beyond ensuring its cill height would be set at a level to ensure no overlooking and loss of privacy for surrounding neighbours. Similarly, I see no planning reason to restrict the rooflight proposed, given that it would be sited in the roof plane and would not result in any direct overlooking and loss of privacy for the neighbours.
16. The Council has recommended a condition to protect existing trees and vegetation during the construction phase, but this appears to be a general recommendation rather than based on the specific situation at the property. There are no mature trees and planting in the rear garden of the property and given the siting of the works in relation to surrounding trees, I do not consider that there is a planning justification for the imposition of such a condition.
17. For the reasons set out above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR