
Appeal Decision

Site visit made on 2 February 2021

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/M3645/D/20/3245408

41C Bluehouse Lane, Oxted, Surrey, RH8 0AJ

- 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 Richard Adamson against the decision of Tandridge District Council.
 - The application Ref TA/2019/1611 dated 16 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed was originally described as single storey rear extension to house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on
 - ii) the character and appearance of the host building and surrounding area; and
 - iii) the living conditions of the occupants of neighbouring residential properties with particular regard to outlook.

Reasons

Character and Appearance

3. The site forms part of a recent development of 6 townhouses in Oxted, divided in to two small terraces. When viewed from the rear, an important component of this development is the row of private gardens. Whilst compact in size, each garden nonetheless provides adequate space to provide a verdant and reasonably spacious visual setting for each property. This contributes positively to the overall design quality of the development.
4. The proposed extension would encroach deep into the garden of 41C. This would be to such a degree that its private garden appears disproportionately small in relation to others in the development. This would detract from the spacious setting of the host building and diminish the overall visual coherence of this well-designed development. Whilst the extension would not be particularly visible from the front of the property, its bulk would be readily apparent from the area to its rear, including in views from other properties within the development.

5. Consequently, there would be unacceptable harm to the character and appearance of the host building and surrounding area. This results from the size of the extension so it could not be overcome by hard or soft landscaping, even if this were to be a requirement of a planning condition. The proposal conflicts with policy CSP 18 of the Tandridge District Core Strategy 2008 (Core Strategy), together with DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan) and LNP 3 of the Limpsfield Neighbourhood Plan 2019 (Neighbourhood Plan) all of which seek, amongst other things, to achieve high quality design that integrates effectively with its surroundings.

Living Conditions

6. I observed on my site visit that the existing rear garden has fencing on each of its sides. The ground level rises up, away from the house, and so the extension would be partially dug into the ground. In consequence, the overall height of the proposed extension would not at any point significantly exceed that of the existing fence on each side of the property. It would not be overbearing on any neighbouring property, and nor would it cause any significant overshadowing or loss of privacy.
7. Consequently, there would be no unacceptable harm to the living conditions of the occupants of existing neighbouring properties in any respect, including through any potential loss of outlook. On this issue there is no conflict with policy CSP 18 of the Core Strategy, nor DP7 of the Local Plan, nor LNP3 of the Neighbourhood Plan which, amongst other things, require that development does not significantly harm the amenities of occupiers of neighbouring buildings, including by reason of overshadowing.

Other Matters

8. Between the residual area of private garden and the communal garden to the rear of the site, there would be adequate external amenity space for the occupants of 41C, were this development to proceed. However, this finding does not overcome the harm described in the first main issue.
9. I have had regard to the objectives of the proposal, which are to improve the amount of living space at ground floor level, improving the quality of living accommodation and better serving the needs of the appellant. The proposal would also enable the appellant to remain in the property, which is located in an existing built up area close to public transport links and existing services and facilities. In this respect there is some support for the proposal in other planning policies. However, these considerations do not overcome the harm identified. The appellant acknowledges that the extension approved at No.41B was smaller, so this does not justify the proposal.

Conclusion

10. Whilst the proposal would be acceptable in terms of its effect on the living conditions of existing residents, there would be unacceptable harm to the character and appearance of the host building and surrounding area. Overall the proposal conflicts with the development plan, and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR