
Appeal Decision

Site visit made on 28 June 2021

by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th July 2021

Appeal Ref: APP/L3625/D/20/3257949

42 Pine Walk, Woodmansterne SM7 3PY

- 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 K Brindle against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/00970/HHOLD, dated 14 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is described as alterations to existing garage roof structure.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development in the banner heading above is taken from the application form and appeal form. The Local Planning Authority decision notice includes the additional words 'and side facing dormer windows'. I am satisfied that the original description adequately describes the generality of the development for which permission is sought and the side facing dormers form an integral part of the alterations to the existing garage roof structure. These are detailed on the plans and form part of the overall development and I have had regard to them in my decision.
3. The appellant has provided amended plans as part of the appeal process and requests that the appeal is determined having regard to these amended appeals. However, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. This is clearly stated at Annex M.2.1 of the Procedural Guide – Planning Appeals – England.
4. In considering whether to accept the amended plans I have had regard to the 'Wheatcroft principles¹'. In this case given that this is a householder appeal and the Council have not had the opportunity to respond to the appellant's statement of case and there has been no formal consultation of the amended proposals there is a potential for depriving those who should have been consulted on the changed development of the opportunity of such consultation. The amendments seek to directly address concerns raised by the Council and

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

adjoining neighbours which resulted in a reason for refusal with regard to matters of amenity and the provision of the dormer features.

5. I have therefore determined the appeal on the basis of the plans that were before the Council and not taken the amended proposals submitted with the appeal into account.

Main Issues

6. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the surrounding area, and
- The effect of the proposed development on the living conditions of the occupants of the adjoining properties at 44 and 46 Pine Walk with particular reference to privacy and outlook.

Reasons

Character and appearance

7. The general area is a residential urban location characterised by two storey semi detached and detached houses with some bungalows and chalet bungalows interspersed. No 42 Pine Walk, the appeal site, is a two storey semi-detached corner house fronting Pine Walk with its flank boundary onto Upper Pines.
8. The existing garage is a large free-standing outbuilding providing for internal space for a double car length and two garage doors providing a double width garage. The garage is located at the end of the garden, which given the change in levels in the area is at an elevated position in relation to the main house. The garage sits adjacent to 1 Upper Pines, a two storey semi detached house which is further elevated reflecting the rising levels and changes in building heights in this section of the street. No 1 Upper Pines has a small single garage between its flank wall and the appeal site boundary.
9. The proposed alterations to the roof structure would increase the ridge height of the existing garage, steepen the roof slopes, add two dormer features to either roof slope and add additional windows to the front and rear facing gable ends. The proposed alterations significantly increase the dominance of the building, adding to the bulk and mass of the building. Whilst it is presently a relatively large outbuilding this is seen in the context of the flank wall of No.1 Upper Pines and is read as a domestic outbuilding with a relatively low height and low-pitched roof. The proposed garage would be a more substantial structure with higher roof and steeper slopes, adding significantly to the bulk of the building. When taken together with the dormer structures the outbuilding would become a substantially more dominant and intrusive feature in the street scene. Whilst still seen against the flank of No.1 Upper Pines the relationship with that property's small domestic scale garage and the property itself would make the contribution of these elements in the street scene appear much more congested and somewhat cramped. The addition of windows in the front and rear gables would accentuate the scale and increase in height of the roof which presently has a low pitch and limited gable extent. Overall, the altered garage would appear excessive in size and scale and would not reflect the more

modest scale of domestic outbuildings in the locality or the form and design of the existing property.

10. The appellant has drawn attention to a number of other developments in the locality including other outbuildings/ garages, the addition of dormer windows etc. However, none of these are sited in such a prominent location as the garage the subject of this appeal or are features associated with residential properties rather than their outbuildings. I do not see these as creating any precedent for the proposals the subject of this appeal.
11. For the reasons given above I conclude that the proposal would cause material harm to the character and appearance of the surrounding area. It would therefore conflict with Policies DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan, adopted September 2019. These seek to ensure that development respects the character and appearance of its surroundings, promotes and reinforces local distinctiveness and is compatible with the street scene. Similar objectives are identified in the Councils Householder Extensions & Alterations Supplementary Planning Guidance, March 2004 which at 5.5 Garages and outbuildings advises '*Detached garages should be designed to reflect the main property style and its locality, for example, be built of matching materials and have a similar roof pitch*'. These objectives are consistent with the National Planning Policy Framework (the Framework) and in particular paragraphs 124, 127(a),(b)and (c) and 130.

Living conditions

12. The proposed alterations would provide for two dormer windows in each of the increased roof slopes of the garage providing light into and views out from the internal space which is identified as a store area and an Art Studio. The windows in the right hand side elevation would face the flank wall of No 1 Upper Pines over the top of its garage roof. But there are no significant openings in that elevation and therefore no significant harm would result. The windows in the left side elevation would be at an elevated level above the adjacent garden areas of the adjoining properties and overlook the rear gardens and rear elevations of 42 and 44 Pine Walk and more obliquely 46 Pine Walk. These properties are in the region of 14m away with 46 being a little greater distance. If unrestricted the windows would afford views into the garden and rear windows of these properties at distances which are not currently available. There would be a reduction in the privacy enjoyed by the occupants of these properties. Even if these windows were to be conditioned to be fixed shut and obscure glazed there would still be the impression of a loss of privacy and the noticeable intrusion of these features. When added to the additional dominance these features would introduce it would make the rear gardens and rear private amenity spaces less attractive places to enjoy for the existing residents and lead to concerns about loss of privacy into their main living spaces.
13. For the reasons given above I am satisfied that the proposed development would result in material harm to the living conditions enjoyed by the occupants of 44 and 46 Pine Walk. It would therefore conflict with Policies DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan, adopted September 2019. These seek development proposals that have been carefully designed to ensure a good standard of amenity and that do not adversely impact upon the amenity of occupants of existing nearby buildings,

including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.

Overall conclusion

14. The proposed development would result in material harm to the character and appearance of the area and the living conditions enjoyed by the occupants of the adjoining properties. The scheme therefore conflicts with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate.
15. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR