

Appeal Decision

Site visit made on 21 June 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/L3625/D/20/3263816

Hestia, Woodland Way, Kingswood, Tadworth, Surrey KT20 6PA

- 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 Peter Allen against the decision of Reigate & Banstead Borough Council.
 - The application, Ref. 20/01708/HHOLD, dated 11 August 2020 was refused by notice dated 9 November 2020.
 - The development proposed is single and two storey extensions, alterations and refurbishment of the existing dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for single and two storey extensions, alterations and refurbishment of the existing dwelling house at Hestia, Woodland Way, Kingswood, Tadworth in accordance with the terms of the application, Ref. 20/01708/HHOLD, dated 11 August 2020 and subject to the following conditions:
 - 1) The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this Decision;
 - 2) Details including samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works above ground level. The development shall be carried out in accordance with the approved details;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. Series 2020/10: Plan Nos. PP01 Rev. B; PP02 Rev. B; PP03 Rev. B; PP04 Rev. B; PP05 Rev. B; PP06 Rev. B; PP07 Rev. B; PP08 Rev. B; PE01 Rev. A; PE02 Rev. A; PE03 Rev. A; PE04 Rev. A; PE05 Rev. A; PE06 Rev. A; PE07 Rev. A; P-LOC;
 - 4) No development shall commence, including groundworks preparation and demolition, until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Tree Protection Plan compiled by Oxlyia Tree Consultants.
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Main Issue

2. The main issue is the effect of the proposed first floor extension above the existing garage area by virtue of its scale, proximity, elevation and the position of the front window on the living conditions for the occupiers of 'Minstrels', a neighbouring dwelling, in terms of (i) outlook and (ii) privacy.

Reasons

3. Firstly, as regards the Council's objection to the extension above the garage on the grounds that it would be 'overly dominant', the development would be about 9m south east of the nearest corner of Minstrels' garden and 1.8m away from the site's flank boundary adjoining the large garden of Harcroft. The front gable of the extended dwelling would be offset from the site of Minstrels and face directly down Hestia's driveway. On the side elevation the pitch of the roof would slope away from the boundary. In these circumstances I do not consider that the proposed addition would be dominant and overbearing, even when seen from the nearest part of Minstrel's garden.
4. As regards privacy, again with the window in the front of the extension being 9m away from the nearest part of Minstrels' garden and the offset position of 1.8m already referred to, the development would avoid actual and perceived overlooking of the adjoining dwelling. The lateral distance of the window from the corner of the proposed gable would be an additional factor that would prevent any loss of privacy for the neighbours.
5. In addition, there is substantial boundary planting including trees between the two gardens and the dwelling of Minstrels itself is set at a lower level within its site, such that the outlook from the windows and rear patio is already constrained by the slope of the garden. I consider that both these factors would further mitigate any potential loss of privacy, whilst even in low density areas such as Woodland Way a view from a bedroom window into a neighbour's rear garden is by no means unusual.
6. In the light of the above I conclude that there would be no harmful impact on the living conditions in terms of outlook and privacy from the appeal proposal for the occupiers of Minstrels. Accordingly, there would be no conflict with Policy DES1 of the Reigate & Banstead Development Management Plan 2019; the Council's Householder Extensions & Alterations SPG 2004, and paragraph 127f) of the National Planning Policy Framework 2019.
7. I shall therefore allow the appeal and grant planning permission. A condition requiring the submission of details and samples of external materials will safeguard visual amenity, whilst a condition stipulating that the development is carried out in accordance with the approved plans is needed for certainty and is in the interests of proper planning. Finally, a condition on tree protection will ensure that there is no damage to or loss of trees, thereby protecting the sylvan setting of Hestia.

Martin Andrews

INSPECTOR