

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: 27 September 2021

Appeal Ref: APP/L3625/D/20/3260812

40 Tumblewood Road, Banstead, Surrey SM7 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mrs Gaithiri Sriskandarajah against the decision of Reigate & Banstead Borough Council.
 - The application, Ref. 20/01418/PDE, dated 6 July 2020 was refused by notice dated 10 August 2020.
 - The development proposed is a 4 metre extension.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for a 4 metre extension at 40 Tumblewood Road, Banstead in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Main Issue

2. The main issue is the impact of the proposed extension on the amenities of the neighbouring property at No. 42 Tumblewood Road with regard to outlook.

Procedural Matter

3. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

4. I saw on my visit that the appeal dwelling already has a full width single storey rear extension and the application for prior approval is to extend this by a further 4m, resulting in a total depth of just under 8m from the original house. The proposed addition would be flat roofed at a height of 3m and stepped in from the existing extension to increase the distance between it and the conservatory at No. 42 to 3.6m.
 5. However, the neighbour at No. 42 has objected on the basis that the extension would have an adverse effect on their amenity as regards a loss of outlook, privacy, and overshadowing.
-

6. Firstly, as regards overshadowing, because No. 42 lies to the northwest of No. 40, any potential shadowing effect would be limited to a brief period in the mornings. Furthermore, the appellant's grounds of appeal have demonstrated that under paragraph 4.4 of the Council's Householder and Extensions SPG the scheme complies fully with the guidance. This is accepted in the Officer's report and there is therefore no reasonable basis for withholding permission as regards sunlight.
7. In respect of privacy, no windows are to be provided in the flank wall of the proposed extension and there can therefore be no issue of overlooking.
8. Finally, in respect of the remaining objection of a loss of outlook, the ground level at No. 40 is slightly higher than at No. 42 which would potentially increase any adverse effect. However, with the step-in of the 4m extension creating a space to the boundary of over 2m and a total gap to the neighbour's conservatory not too far short of 4m, I do not consider that a reasonable case can be made that the 3m high extension would be overbearing or cause any significant loss of outlook. This is even more so given that the existing hedge on the boundary restricts any view of No. 42 to the roof of the conservatory rather than its flank wall. There would be a similar screening effect in the opposite view from No. 42 to No. 40.

Conclusion

9. Having regard to these points and my assessment on the site, I conclude that the neighbour's objection does not have sufficient weight to overcome the presumption of approval in the legislation in favour of the extension. Accordingly, I allow the appeal and grant prior approval in the terms of paragraph 1 above.

Martin Andrews

INSPECTOR