



Appeal Decision

Site Visit made on 27 September 2021

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2021

Appeal Ref: APP/M3645/D/21/3268545

Southcourt, Tandridge Lane, Tandridge RH8 9NJ

- 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 D Ledesma against the decision of Tandridge District Council.
 - The application Ref TA/2020/1995, dated 3 November 2020, was refused by notice dated 30 December 2020.
 - The development proposed is construction of dormer to east elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a dormer to the east elevation at Southcourt, Tandridge Lane, Tandridge RH8 9NJ, in accordance with the application Ref: TA/2020/1995, dated 3 November 2020, 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: site location plan, block plan and Drg. No 6782.
 - 3) The materials to be used in the construction of the dormer window shall match those used on the existing building.

Preliminary Matter

2. The appeal site lies within the Green Belt. Approval for conversion of the original buildings into residential accommodation, creating 3 dwellings, was granted in September 1979 (Ref:79/678). An extension to Southcourt, in the form of a new roof to provide accommodation on the first floor, was approved in 2002, (Ref: 2002/1600) and has been implemented. This enlargement, which equated to an 11% increase in volume, was not considered disproportionate. The proposed dormer would result in a cumulative volume increase of 19% over and above the original. The Council concluded that this would not amount to a disproportionate extension and the proposal would therefore not be inappropriate development in the Green Belt. I see no reason to reach a different view and have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the dormer window on the living conditions of the occupants of the adjoining property, in relation to privacy.

Reasons

4. Southcourt is an unusual home within a semi-circular building. The first-floor addition includes rooflights in the shallow roof slope. Two of these look towards the garden of the adjacent dwelling within the conversion. It is proposed that these would be replaced with a dormer window which would be set back some 3m behind Southcourt's existing flat roof, single-storey extension. The dormer would be approximately at right angles to the building's rear elevation. Its semi-circular shape ensures there would be no overlooking of any habitable rooms of the adjoining dwelling.
5. Due to the shallow angle of view over the roof of the existing extension, the ground of the adjoining garden cannot be seen from the first-floor room even with the rooflights fully open. Only the upper parts of the trees and shrubs are visible. This part of the neighbour's garden, is a series of small areas bisected by brick paths with mature planting, giving it an almost impenetrable feel. From the garden I also saw that the existing rooflights are barely visible due to their set back behind the flat roof element of the building. Consequently, their replacement with vertical windows within a dormer window would make little difference to the potential for overlooking of the garden. Furthermore, the nearest section of the neighbour's garden is not an area where the occupiers of this adjoining property would be likely to sit outside.
6. Policy DP7 states that where habitable rooms are in direct alignment, a privacy distance of 22 metres will be required. This does not apply in this case as there is no intervisibility between habitable rooms. The policy also seeks to protect garden areas that immediately adjoin dwellings where areas next to habitable rooms look directly towards each other. That is not what is proposed here. As the dormer would not overlook a sensitive part of the adjoining amenity space, such as a patio, there would be no significant loss of privacy for the neighbours. Therefore, the separation distances set out in the policy are not required to prevent overlooking of the neighbours in this particular case.
7. I conclude that the proposal would not harm the living conditions of the neighbour's arising from any unacceptable loss of privacy. The proposal would not conflict with Policy CSP18 of the Tandridge Core Strategy 2008 or Policy DP7 of the Tandridge District Local Plan: Part 2 – Detailed Policies 2014, both of which seek to protect the privacy of adjoining occupiers.

Conclusion and Conditions

8. The proposal accords with the development plan and should therefore be approved, subject to conditions. In addition to the standard time limit, a condition specifying the plans is required for certainty. I have also imposed a condition requiring the materials to match those in the existing building in the interests of the appearance of the development.

Sheila Holden

INSPECTOR