



Appeal Decision

Site visit made on 11 January 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/L3625/D/21/3278073

36 Doods Road, Reigate RH2 0NL

- 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 Evans against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00502/HHOLD, dated 26 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is the demolition of existing conservatory, erection of single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to whether or not the proposal would be overbearing or cause overshadowing.

Reasons

4. The appeal property is a mid-terrace, two storey dwelling in a residential area to the north east of Reigate town centre. The property has a rear roof dormer and ground floor conservatory which has been added to the rear outrigger. The proposal is to replace the conservatory with a single storey extension, which would be slightly shorter in length than the existing conservatory. The proposal would however wrap around the outrigger and infill the area back to the main rear wall of the dwelling. The extension would have an overall length of some 5.5m and its flank elevation would be set 150mm in from the boundary with 34 Doods Road.
5. The Council points to the 45-degree rule as an indicator of the harm the proposal would be likely to cause to the neighbour. The rule is set out in the Council's Supplementary Planning Guidance² although as the appellant points out, this is guidance and should be considered in the light of the specific

¹ National Planning Policy Framework (2021)

² Supplementary Planning Guidance Householder Extensions and Alterations (2004)

circumstances of a site. There is a slight difference in ground level between 34 and 36 Doods Road and there is an existing boundary fence, which as well as providing some privacy also creates some overshadowing. The eaves of the proposed extension would be slightly higher than the existing boundary fence, with the roof of the extension pitching back into the appeal site. The proposal would therefore be a noticeable structure which would be likely to create some additional overshadowing. Nevertheless, given the existing situation, this additional overshadowing is likely to have a relatively limited effect.

6. However, of greater concern is the uncomfortable corridor effect which would be created due to the length of the proposed extension. As a result, the extension would appear somewhat oppressive and overbearing when viewed from the neighbour's windows in the rear wall of the main part of the house and the openings in the side wall of the outrigger. There would be a similar effect when in the neighbour's open area alongside the extension. As such, the proposal would be an unneighbourly proposition.
7. For the reasons given above, I conclude that the proposal would result in harm to the living conditions of the occupants of 34 Doods Road with regard to overbearing impact. Consequently, it would be contrary to Policy DES1 of the Local Plan³ which, amongst other things, seeks to ensure development does not adversely affect the amenity of neighbours, including by way of being overbearing.

Other Matters

8. My attention has been drawn by the appellant to a recent approval for an extension at 38 Doods Road. The proposal is for a 3m extension to the rear of that property's outrigger. It would be positioned between the existing conservatory at 36 Doods Road and an existing extension at 40 Doods Road. Accordingly, the effect of that scheme on neighbours would appear to be different and therefore not a direct parallel to the case which is before me. During the course of my site visit I noted other properties in the vicinity which had rear extensions although I do not have the full details of them before me. Accordingly, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the appeal site.
9. The appellant points to the absence of objection from the neighbour at 34 Doods Road. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case.
10. The use of external finishes which complement the building, the absence of harm to either the wider area or to the neighbour at 38 Doods Road are cited in support of the proposal. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.
11. The appellant notes that the proposal would be a visual improvement but given the building's limited visibility I can give this only limited weight. The proposal is said to result in qualitative improvements to the internal accommodation and there may be economic benefits for the local economy during the construction of the extension. However, given the scale of the works, these matters would attract limited weight.

³ Reigate and Banstead Local Plan Development Management Plan (2019)

12. The property's potential permitted development rights are alluded to by the appellant. There is no Lawful Development Certificate before me to confirm what extension could be constructed but even if such a Certificate were granted, any permitted development extension would not be comparable in length to the current proposal. Whilst it is open to the appellant to seek a prior approval for a larger extension, I have no evidence before me to suggest that such an application would necessarily be approved. Accordingly, I can give these matters only limited weight.
13. I recognise the appellant's desire to make changes to the property and am mindful that the Framework supports the principle of adapting existing housing to meet future needs. However, the weight I could attach to the factors cited in support of the proposal would not outweigh the harm and conflict with the development plan that I have found and to which I ascribe substantial weight.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR