



Appeal Decision

Site visit made on 1 February 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021.

Appeal Ref: APP/L3625/D/21/3280628
30 Chalmers Road, Banstead SM7 3HF

- 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 Ian Goddard against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 21/010305/HHOLD dated 19 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is single storey rear/side extension to provide lounge area and addition of balcony and roof terrace at first floor with access off main bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear/side extension to provide lounge area and addition of balcony and roof terrace at first floor with access off main bedroom at 30 Chalmers Road, Banstead SM7 3HF in accordance with the terms of the application, Ref: 21/010305/HHOLD dated 19 April 2021, 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: Location Plan; 01; 02; 03; 04 and 05.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding Condition 2, prior to the construction of the roof terrace and balcony hereby permitted, full details of the proposed screening of the roof terrace and balcony, including the height of and materials for the screening shall be submitted to and approved in writing by the Local Planning Authority. The roof terrace and balcony shall not be first used until the screening has been installed in full accordance with the approved details and shall thereafter be retained and maintained.

Preliminary Matters

2. The description of development on the application forms set out the reasons for the application and a consideration of the issues raised. Whilst I have taken these into account, there is no need for them to be recorded on the decision,

and I have therefore used the description of development used by the Council at the application stage and used by the Appellant at the appeal stage.

3. The Council has raised no issue with the proposed single storey rear extension to the property and from my site visit and all the information before me, I have no reason to take a different view. A single storey rear extension was under construction at the time of my site visit.

Main Issue

4. The main issue in this appeal is the effect of the proposed roof terrace and balcony on the living conditions of the immediate neighbours, with particular regard to overlooking and loss of privacy and noise and disturbance.

Reasons

5. The appeal property is a detached property on the south-west side of Chalmers Road within a predominantly residential area comprising mainly detached houses of varying designs on good sized plots.
6. The proposal would comprise a single storey, flat roofed rear extension with a roof terrace and balcony above, with a glass balcony surround.
7. Although there is mature planting to the boundaries with the houses on either side, given the first floor position of the roof terrace and balcony, there would be the opportunity for direct views into the neighbouring gardens and back towards the rear of the properties, particularly No 28 and to a lesser extent towards and over No 32. I have taken into account the distances from the boundary but given the elevated position of the terrace/balcony I remain of the view that there would be direct views towards both neighbouring gardens and the rear of their properties, leading to overlooking and a loss of privacy for both neighbours.
8. This harm to the living conditions of both neighbours would conflict with Policy DES1, and in particular Criterion 4 of the Reigate & Banstead Development Management Plan 2019, and the Council's Householder Extensions and Alterations SPG 2004, as well as paragraph 130 f) of the National Planning Policy Framework all of which, amongst other things, seek to protect the amenities of existing and future occupiers. The Council has also referred to Policy CS4 of the Core Strategy 2014 relating to Valued Townscapes and the Historic Environment, but I am not persuaded that this is directly relevant.
9. However, I consider that the harm I have identified could be mitigated with the use of privacy screens around the roof terrace and balcony. The Council considered the use of such screens, but I do not agree with their reasons for not imposing such a condition; it would be for the Appellants to decide whether these would be practical or whether it would negate the use of the terrace and balcony. To be effective the screen would in my view need to be along both the sides of the terrace and the balcony, allowing views strictly in a rearwards direction only. With this mitigation, which I am satisfied could be addressed by condition, I consider that the living conditions of the neighbours would be protected, with particular regard to overlooking and loss of privacy.
10. The Council has also raised a concern that the size of the roof terrace might enable a level of activity which would be harmful through noise and disturbance to the living conditions of the neighbours. I have taken into account the

elevated position of the terrace and balcony but I do not consider that the potential use of the terrace/ balcony would be any more intrusive compared with the use of the garden area or potentially the use of the main house with doors and windows open. This would not be a reason for withholding permission.

11. Subject to the imposition of a condition as set out above in respect of screening, I am therefore satisfied that there would be no material harm to the living conditions of the immediate neighbours, with particular regard to both overlooking and loss of privacy as well as noise and disturbance. There would be no conflict with Policy DES1, and in particular Criterion 4 of the Reigate & Banstead Development Management Plan 2019, and the Council's Householder Extensions and Alterations SPG 2004 as well as paragraph 130 f) of the National Planning Policy Framework.

Conditions and Conclusion

12. The Council has proposed a number of conditions in the event of planning permission being granted. I agree that the materials should match the existing materials to protect the character and appearance of the existing building and the local area. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
13. As I have already set out a condition is required to be imposed regarding the details of the screening for the roof terrace and balcony and to ensure that it is in place prior to first use and then subsequently retained and maintained in order to protect the living conditions of the neighbours.
14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR