



Appeal Decision

Site visit made on 8 February 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/L3625/D/21/3287808

38 Upper Pines, Woodmansterne, Surrey SM7 3PX

- 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 Christopher Nimmo against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/01812/s73, dated 2 July 2021, was refused by notice dated 10 September 2021.
 - The development proposed is revisions to approval 16/02565/HHOLD. Form new gable to south of roof with rear first floor wall remaining in the approved position but with balcony. Mirror the kitchen window and patio doors. Hip the roof at the front of the garage
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Decision

1. The appeal is allowed and planning permission is granted for revisions to approval 16/02565/HHOLD. Form new gable to south of roof with rear first floor wall remaining in the approved position but with balcony. Mirror the kitchen window and patio doors. Hip the roof at the front of the garage at 38 Upper Pines, Woodmansterne, Surrey SM7 3PX in accordance with the terms of the application, Ref 21/01812/s73, dated 2 July 2021 subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Block Plan 11094-01G
 - Proposed Elevations 11094-07 H
 - Proposed Plans 11094-05 F
 - Proposed Sections 11094-06C
 - 2) The external finishes of the development hereby permitted shall match in material, style and texture those of the existing building.

Preliminary Matters

2. In their decision notice, the Council referred to the proposal as being an application to vary condition 1 of 16/02565/HHOLD. Whilst the application sought to bring forward a revised scheme to that which was granted planning permission, it was not seeking to vary a condition on a previous approval. Accordingly, I have dealt with the appeal on the basis of it being a proposal for planning permission and not a variation of condition.

3. What appeared to be the revised scheme was in the course of being implemented when I visited the site. That the works have commenced has no bearing on my decision, which I have based on the submitted plans.
4. The Council has not raised concerns regarding the design, scale or appearance of the proposal. Based on the evidence before me, I have no reason to disagree.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking.

Reasons

6. The appeal property and dwellings in the immediate vicinity of the site are detached bungalows. Some of these neighbouring properties have accommodation within their roof space which allows for some mutual overlooking across neighbouring rear gardens.
7. The appeal proposal would see the approved first floor rear window being replaced by a new glazed door and the roof extended out over the ground floor, thereby providing a balcony area within the roof overhang. The balcony would not be deep and would be accessed from Bedroom 1, rather than one of the communal areas of the house. This may limit the frequency of its use and temper the nature of that use, but it is still likely to be used by the occupants of this bedroom and could accommodate a small table and a couple of chairs.
8. The revised fenestration in the upper floor rear elevation would be in a similar position and of similar width to the window it would replace. Although what is proposed is a glazed door rather than a window, given the proposed roof overhang, the outlook and ability to view the gardens of 36 and 40 Upper Pines from Bedroom 1 would be more restricted than the approved scheme.
9. The roof overhang and the staggered position of the appeal property relative to 40 Upper Pines would similarly curtail views from the balcony of the most sensitive parts of this neighbour's garden and patio area. Those areas of garden which would be visible from the balcony are towards the far end of the garden and would be less sensitive to overlooking. I am therefore satisfied that the overlooking from the balcony would not result in a significant loss of privacy to this neighbour.
10. There is a closer alignment of the rear elevations of the appeal property and 36 Upper Pines. Thus, when standing at the western end of the balcony there would be very oblique views towards the more sensitive parts of the garden of 36 Upper Pines. However, generally when standing or when sat on the balcony, the roof overhang would block views across the rear of this neighbour's elevation and the more sensitive parts of their garden. I therefore find that the proposal would not cause harm to the privacy of this neighbour through overlooking.
11. I therefore conclude that the development would not result in unacceptable harm to the living conditions of the occupiers of 36 or 40 Upper Pines. As such,

the proposal would accord with Policy DES1 of the Local Plan¹ and Supplementary Planning Guidance² which, amongst other things, seek to ensure existing occupiers are not adversely affected by overlooking or loss of privacy.

Conditions

12. As the works have commenced there is no need for the standard time limit condition. However, conditions are required in the interests of certainty that list the approved plans and ensure that the external materials match those of the existing dwelling.

Conclusion

13. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

Stewart Glassar

INSPECTOR

¹ Reigate and Banstead Local Plan Development Management Plan (2019)

² Supplementary Planning Guidance Householder Extensions and Alterations (2004)