



Appeal Decision

Site visit made on 15 March 2022 by Thomas Courtney BA(Hons) MA

Decision by A Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2022

Appeal Ref: APP/M3645/D/21/3280031

19 Hilltop Walk, Woldingham, CR3 7LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Gavin against the decision of Tandridge District Council.
 - The application Ref 2021/698/NH, dated 14 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is the erection of single storey rear extension which would extend beyond the rear wall of the original house by 8.00 metres, for which the maximum height would be 4.00 metres, and for which the height of the eaves would be 3.00 metres.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of single storey rear extension which would extend beyond the rear wall of the original house by 8.00 metres, for which the maximum height would be 4.00 metres, and for which the height of the eaves would be 3.00 metres at 19 Hilltop Walk, Woldingham, CR3 7LJ, in accordance with the application Ref 2021/698/NH made on 14 April 2021, and the details and plans submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interest of accuracy, the description of development in the header above is based on the Council's decision notice.
4. Plan no. 2105 L(0)200 A (Appendix 9) was submitted by the appellant as part of the appeal submissions. This plan does not modify the proposal and so I find that the other parties would not be unreasonably prejudiced by me taking it into account in my decision.

Main Issue

5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the development. As an adjoining neighbour objected to the application, the Council assessed the impact of the proposal and found it unacceptable.
6. Based on the Council's decision notice and officer report, the main issue in this appeal is the effect of the proposal on the amenity of adjoining occupiers.

Reasons for the Recommendation

7. The appeal site comprises a bungalow located on the northern side of Hilltop Walk within an established residential area. The appeal property is finished with black timber boarding and has a pitched felt roof. It is a narrow, rectangular shaped building sited close to the road. The plot is relatively large and slopes away from the property in a northerly direction. As such the rear of the property is accessed via steps at the rear. A small footpath runs along the western boundary of the appeal site, beyond which lies the neighbouring property at No. 17 Hilltop Walk.
8. The proposed extension would have a considerable depth but would be of a modest single storey scale as the eave's height would not exceed 3 metres. Whilst I note the neighbour's concerns with regards to the proximity of the development to No.17's eastern boundary, the proposed rear extension would not sit directly on the boundary, as it would abut the public footpath. Plan no. 2105 L(0)200 A, submitted by the appellant as Appendix 9, indicates that the proposed extension would lie at a distance ranging from 14 metres to 17.4 metres from the neighbouring property at No.17. Whilst I have not verified this distance, I nonetheless note that the neighbouring property is set-in from the boundary by some distance and that as a result there would be a significant separation gap between the two houses which would assist in limiting the impacts of the development.
9. In light of this separation gap and the evergreen hedge along the neighbour's boundary, I find that the proposed extension would not appear excessively obtrusive or bulky when seen from the rear elevation and garden of No.17. Nor, due to its limited single storey height, would it lead to an overbearing impact or an increased sense of enclosure. For these reasons I consider that the outlook from No. 17's rear elevation windows and garden would not be unreasonably and adversely affected. The neighbouring property would still enjoy an adequate amount of undisturbed private garden space.
10. Furthermore, I note the neighbour's comments regarding the impact of the proposal on No.21 Hilltop Walk. However due to the orientation and position of the proposed works some distance from the common boundary it is not considered that the development would result in a loss of amenity for the neighbouring occupants.
11. For the above reasons, I conclude that the proposed development would not adversely impact the amenity of adjoining occupiers.

Other matters

12. A number of comments were received questioning whether the current property would be able to accommodate an extension due to its construction age and structural condition. These are building control matters which have not had a bearing on my decision.
13. Concerns have also been raised regarding the sloping land levels within the site. I noted on site that the building was accessed by steps to the rear to accommodate the change in levels across the site, and that there is also a drop in land levels to the north across the 8m of the proposed extension. The submitted topographical survey¹, which accompanies the appellant's grounds of appeal, shows that there would be a drop of around half a metre along the depth of the proposed extension. Details of the construction of the extension have not been submitted with the application and Prior Approval applications do not require such details to be assessed. Nevertheless, if the scheme could not be constructed in accordance with the submitted details, which requires the extension to be no higher than 3 metres within 2 metres of the boundary, then the permission could not be implemented.
14. Lastly, I note the view that the proposal was merely an attempt to secure a bargaining position to increase the perceived volume of the existing property. Be that as it may this is not a factor which alters my assessment of the scheme before me.

Conditions

15. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval should be granted.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

A Jordan

INSPECTOR

¹ Topographical Survey by Callidus