



Appeal Decision

Site visit made on 25 October 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022.

Appeal Ref: APP/L3625/D/22/3297341
30 Ashurst Road, Tadworth, KT20 5EU

- 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 Fry against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00083/HHOLD, dated 13 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is described as 'two storey side extension, single storey rear.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 28 Ashurst Road, with particular reference to light and outlook.

Reasons

3. The appeal property is a detached two storey dwelling located in a road comprising detached and semi-detached houses, mainly of 1930s construction. The road is gently sloping, with the appeal property set lower than No 28.
4. The appeal proposal is for a part two storey, part single storey side extension and a single storey rear extension. The proposed side extension would be set in from the boundary with No 28 by about 1 metre at first floor level and by around 0.25m at ground floor level.
5. The side elevation of 28 Ashurst Road contains 3no. ground floor windows. Two of these are small, secondary windows which face towards the existing single storey garage to No 30. The larger opening is the main source of light to a kitchen. This window faces towards a low section of the side boundary and the driveway of the appeal site. This window also has an oblique outlook towards Ashurst Road.
6. The main kitchen window on the side of No 28 would face the part single, part two storey side extension. The gap between the side elevation of No 28 and the single storey extension would be about 1.65m with the proposed first floor element set a further metre away. Due to the siting of No 30 and the north

westerly orientation of the window, the amount of sunlight received would already be limited.

7. Given the limited separation to the ground floor eaves, combined with the height and bulk of the two storey extension, I consider that the amount of natural daylight received by the window would be significantly reduced as a result of the proposal. As such, the proposal would be contrary to the guidance contained within the adopted Supplementary Planning Guidance – Householder Extensions and Alterations (adopted March 2004) (SPG) with regard to daylighting guidance for side facing windows and would worsen the existing situation. Moreover, I find that the side extension, due to its height and proximity, would be overbearing and would dominate the outlook from the main kitchen window.
8. Whilst the appellant describes the window as serving a non-habitable room, in my view kitchens are often rooms with high usage where light and outlook are valued. The appellant states that a single storey side extension could be constructed at the appeal property under permitted development rights, although I have no substantive evidence of this in the form of a Lawful Development Certificate. Furthermore, the proposed side extension would be part two storey which I consider would have a particularly overbearing effect and would significantly detract from the outlook obtained from the kitchen window of No 28. As such, it is my view that the appeal proposal would be likely to have a greater effect on light and outlook than a single storey extension.
9. Whilst the single storey rear extension would exceed the depth set out in the SPG, in my view the rear extension would have no material effect on the main kitchen window in terms of light and outlook, or the small side windows of No 28 which already face a high boundary fence and the existing flank wall and roof of the garage to No 30.
10. However, for the reasons given above, the proposal would have a harmful effect on the living conditions of the occupiers of 28 Ashurst Road, with particular reference to light and outlook. Thus, the proposal would be contrary to Policy DES1 of the Reigate and Banstead Development Management Plan (Adopted September 2019) and the SPG which together seek to protect residential living conditions.

Conclusion

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

J Davis

INSPECTOR