



Appeal Decision

Site visit made on 6 December 2022

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JANUARY 2023

Appeal Ref: APP/L3625/D/22/3295330

Highfield, Beech Drive, Kingswood, Surrey, KT20 6PS

- 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 & Mrs Lehmler-Brown against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02954/HHOLD, dated 8 November 2021, was refused by notice dated 17 January 2022.
 - The development proposed is part single and part two storey extensions to both sides and to the front of the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the host property and the wider area; and upon the living conditions of neighbouring occupiers with particular regard to outlook and loss of daylight.

Reasons

Character and appearance

3. The Local Character and Distinctiveness Design Guide Supplementary Planning Document, adopted June 2021 (LCDDG) describes the character of Kingswood as low density within heavily wooded areas, with exclusive housing and mature gardens. Dwellings are set back and not visible from private roads. Gaps and dominant landscape between buildings are essential to the character of the area. In particular, the LCDDG references dominant front garaging, plot subdivision and loss of vegetation as current issues adversely impacting the area's special character.
4. Highfield and its neighbour Belanger are relatively recently constructed properties following the subdivision of a plot previously occupied by a single dwelling. I saw these two properties to be less typical of the local character in that they have relatively narrower plot widths and gaps than the prevailing character along Beech Road and in the wider area.
5. The proposed extension to the south easterly side of Highfield due to its width would be positioned no closer to the boundary with the neighbouring property Hambledon than the existing garage. However, this gap would not be typical of the local character. The proposed extension to the north westerly side includes a triple garage and would be positioned in close proximity to the non-parallel

- boundary with Belanger, resulting in an unacceptable small gap. Both extensions would project significantly forward of the principal elevation, with the garage being of an excessive size and length to the detriment of the character and appearance of the host property. This would be in conflict with the LCDDG which seeks to respect front building lines; to respect the prevailing character of wide gaps between properties and avoid dominant front garaging.
6. Furthermore, due to the depth, width, height, and position of the extensions to the principal elevation and to the front and side plot boundary, the proposal would result in the built form appearing to over dominate the plot. It would create a sense of forward enclosure and shallower frontage that is discordant with the prevailing character of the area. The amount, scale, form and position of proposed windows above the triple garage would exacerbate the situation and give an increased sense of scale to the host building.
 7. I acknowledge the Council's view that the proposal would inhibit future tree growth and that the existing hedging may be lost for various reasons, and therefore this would undermine the character of the area. However, there is no substantive evidence before me in this appeal to demonstrate that this is inevitable. Moreover, I note the Council's Tree Officer did not raise any objection to the proposal.
 8. The appellant refers to the relative positions of building lines and garaging at other properties at Beech Road and in the wider area to support the appeal. However, I do not have the benefit of the precise circumstances of any of those sites, and in any event, each proposal must be considered on the evidence before me, and in the current policy context.
 9. I acknowledge that forward garages are a feature of the area. However, those examples I saw on my site visit were not directly comparable. They were predominantly in more spacious plots typical of the wider area, well set back, and were of a scale, height and design that demonstrated a more subordinate relationship to the main property and without the degree of harm to the wider character that I find at the appeal site.
 10. For the reasons above, I conclude that the proposed development harms the character and appearance of the host property and the wider area. This conflicts with Policy CS4 of the Reigate & Banstead Local Plan: Core Strategy, adopted July 2014; Policies DES1 and DES3 of the Reigate & Banstead Local Plan Development Management Plan, adopted September 2019; and fails to follow the guidance within the Local Character and Distinctiveness Design Guide Supplementary Planning Document, adopted June 2021. These policies and guidance seek (among other matters) to ensure high quality design; to promote, protect and reinforce local character and distinctiveness; and to protect the individual identity and distinct character of the area.

Living Conditions

11. Due to its size, the proposed extension to the south easterly side would result in a loss of daylight to the courtyard and to the kitchen window of Hambledon. It would result in an overbearing and oppressive outlook for the existing occupiers of Hambledon. This would be in conflict with the Householder Extensions & Alterations Supplementary Planning Guidance, adopted March 2004. I note that the appellant does not dispute the Council's position in this regard.

12. However, the appellant contends that Highfield has the benefit of full permitted development rights, and that if enacted, side extensions could be constructed in line with the principal elevation of Highfield (to a lower ridge height). The Council's position is that Highfield's single garage appears to be unauthorised and that some structure appears to be attached to the rear of the garage. On my site visit, I observed a wooden flat roofed structure attached to the rear of the single garage at Highfield, comprising covered storage, bar and decked area.
13. Nevertheless, it is not the role of the Inspector dealing solely with an application for planning permission to determine whether a use or operation is lawful in order to decide whether the appellant might be able to rely on permitted development rights as a 'fallback'. Moreover, I have an alternative scheme before me, and no evidence that the 'fallback' would meet any limitation as set out in the GPDO¹. As such, I have given this 'fallback' consideration no weight. In any event, I must consider the proposal on the evidence before me.
14. I therefore conclude that due to the position and scale of the proposal, it would harm the living conditions of neighbouring occupiers at Hambledon with particular regard to outlook and loss of daylight. The proposed development conflicts with Policy CS4 of the Reigate & Banstead Local Plan: Core Strategy, adopted July 2014; Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan, adopted September 2019; and fails to follow the guidance within the Householder Extensions & Alterations Supplementary Planning Guidance, adopted March 2004. These policies and guidance seek (among other matters) to respect neighbour amenity.

Conclusion

15. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.