



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: 25 JANUARY 2023

Appeal Ref: APP/L3625/W/22/3301797

The Old Tannery, Oakdene Road, Redhill RH1 6BT

- 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 Robert Maskell of Maskell Investments Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02812/F, dated 22 October 2021, was refused by notice dated 21 January 2022.
 - The development proposed is to add an additional storey to the existing building to create two new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Old Tannery is a modest commercial estate of five units accessed from Oakdene Road. Four units are located within the principal building which I shall term 'The Old Tannery Building' for the purposes of this appeal. The Old Tannery Building comprises two linked buildings. The proposed development seeks to add an additional storey to both of the linked buildings.
3. After the submission of the appeal, the appellant provided details of a subsequent planning application (Ref 22/01825/F) which was approved by the Council 14 October 2022. The decision notice grants planning permission to add an additional storey to the existing building to create a new dwelling. The approved plans demonstrate that the additional storey would be above the linked building adjacent to Oakdene Road. As such, this subsequent planning permission represents a fallback position, and is a material consideration in this appeal.

Main Issue

4. The main issue is whether the proposed development would have an overbearing effect upon the living conditions of neighbouring occupiers of the maisonettes at The Tannery.

Reasons

5. The maisonettes at The Tannery are situated adjacent to the westerly elevation of The Old Tannery Building, at a lower level. The maisonettes comprise two storey dual aspect flats in an L-shaped arrangement, at a lower level than the appeal site. Due to the dual aspect, there are windows to habitable and non-habitable rooms to both the front and rear elevations. The long part of the L shape fronts the estate road named The Tannery, which I shall term Block A for

- the purposes of this appeal. The return part of the L shape is sited on Oakdene Road, which I shall term Block B. The open aspect of the L arrangement offers access to a communal area with a garden, drying space and bin storage.
6. The Council's Householder Extensions & Alterations Supplementary Planning Guidance 2004 (SPG) seeks to ensure that development should not harm neighbour outlook, nor appear overbearing when viewed from neighbouring properties, and assesses views and outlook in terms of upper, middle and lower layers in this regard.
 7. Block A includes flats with windows directly facing towards the long flank of The Old Tannery Building. Depending on the specific relationship of each window in Block A to the proposed development, the proposed additional storey would appear within the upper layer of view, either directly, obliquely or peripherally.
 8. Block B's rear windows directly face the communal area, with a view of the garden area and a length of tall fencing which screens the drying area and yard. Each layer of view from Block B's windows includes the existing flank wall of The Old Tannery Building, albeit peripheral. I am not persuaded that all windows in Block B would have a view of the additional storey in the upper layer of view, but those farthest from the flank wall are more likely to have a view of part of the additional storey, albeit peripherally.
 9. In any event, the proposed additional storey of this height and design along the full flank of The Old Tannery Building would create an overbearing impact from some of the windows in Block A and Block B.
 10. The occupiers of the maisonettes would also experience a view of the additional storey in the upper layer from the communal area, due to its height, design and the extent of the additional storey along the full flank of The Old Tannery building.
 11. The applicant argues that the extent of change from the existing position would be relatively modest. However, in their officer report, the Council recognised that the existing situation is not ideal. The appellant also acknowledges that the existing Old Tannery Building presents a featureless two storey brick wall some 5.5m high.
 12. At my site visit, I found the existing Old Tannery Building created an oppressive and overbearing outlook for the neighbouring maisonettes, due to its height, the length of its flank wall, its position at a higher level and the solid brick elevation that it presents towards the maisonettes. Therefore, whilst I accept that the changes would be relatively modest compared to the existing situation, the proposal would increase the pre-existing harm that I have found.
 13. Consequently, I conclude that the proposed development, due to its height, design and its extent along the flank wall would harm the living conditions of the existing occupiers of The Old Tannery maisonettes.
 14. The fallback scheme is of a smaller scale than the appeal scheme, as it proposes an additional storey to only one of the linked buildings of The Old Tannery Building, namely the linked building near to Oakdene Road. Moreover, the footprint of the linked building near Oakdene Road is situated behind the rear elevation of Block B of the maisonettes at The Tannery. Consequently, the fallback scheme would not result in harm to the outlook from the windows to Block B. The effect of the fallback position upon the outlook from Block A and

from the communal area would be less than the appeal scheme. I therefore consider that the fallback scheme would be significantly less harmful than the appeal scheme.

15. At my site visit I saw that works pursuant to previous approvals for residential use were taking place within The Old Tannery Building. From my own observations and the evidence before me, including the planning history of the site, I consider that there is a realistic prospect of the fallback position being implemented. I also find that the fallback position would result in a relatively modest change from the existing situation, compared to the appeal scheme.
16. The proposed development (the appeal scheme) therefore conflicts with Policy DES1 of the Reigate and Banstead Development Management Plan 2019; Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy 2014; and the SPG. Among other matters, these policies seek to ensure high quality design and protect neighbour amenity.
17. The proposal would also conflict with paragraph 130(f) of the National Planning Policy Framework (the Framework) which seeks to ensure that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

18. The appellant asks me to consider the use of zinc cladding in the proposal which was requested by the Council. If I were to allow the appeal, this matter could be controlled by a suitable condition.
19. Objection is made concerning the effect of the proposal upon the living conditions of existing occupiers of Morris Court. The main parties agree that there is no harm arising in this regard and I find no reason to disagree. Further objection is made in regard to harm arising to the nearby Linkfield Conservation Area. However, the appeal site does not lie within the conservation area, and as such, I have given this objection no weight.

Conclusion

20. The appellant draws my attention to paragraph 120(c) of the Framework, whereby substantial weight should be afforded to the benefit of using suitable brownfield land within settlements for homes; paragraph 120(d) which seeks to support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing; and paragraph 120(e) which seeks to support opportunities to use the airspace above existing residential and commercial premises for new homes.
21. However, paragraph 120(e) supports such opportunities where development would be consistent with the prevailing height and form of neighbouring properties, and this is not the case with the adjacent maisonettes at The Tannery.
22. I have taken these potential benefits into account. However, they do not outweigh the harm I have identified above. As such, the proposed development conflicts with the Framework, read as a whole.

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

J Moore

INSPECTOR