



Appeal Decision

Site visit made on 21 February 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2023

Appeal Ref: APP/C3620/D/22/3312179

11 Bentsbrook Road, North Holmwood RH5 4HW

- 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 Ms Julie Debnam against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1244/PLAH, dated 8 July 2022, was refused by notice dated 7 September 2022.
 - The development proposed is described on the application form as "Demolition of existing single storey extension and create larger single storey extension and adding an additional storey on top".
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Preliminary matter

1. I have amended the description of the proposal given on the application form to that used in the decision below. This more accurately reflects the development the subject of this appeal.

Decision

2. The appeal is allowed and planning permission is granted for the demolition of the existing single storey rear extension and the erection of single storey and first floor rear extensions, at 11 Bentsbrook Road, North Holmwood RH5 4HW, in accordance with the terms of the application, Ref MO/2022/1244/PLAH, dated 8 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021/100 and 2021/101 B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed within the first floor extension hereby permitted other than those shown on the approved drawings.

Main issues

3. The main issues in this appeal are:

- The effect on the character and appearance of the host dwelling and locality.
- The effect on the living conditions of the occupiers of the adjacent dwellings at 9 and 13 Bentsbrook Road with particular regard to daylight, overshadowing, outlook, overlooking and whether the development would appear overpowering.

Reasons

Character and appearance

4. The appeal concerns a two storey semi-detached dwelling where there are a number of similar properties to either side. There is a flat roofed single storey addition between the main rear wall of the property and a pitched roof projection attached to the end. The flat roof part has only a fairly modest gap to the flank of the main body of the property and almost spans the full width of the rear elevation. The pitched roof part is set in further.
5. These would be replaced with similar pitched roof and flat roof elements. A further pitched roof addition would be attached to the end of this. These would extend across the full width of the rear elevation but not project beyond the side wall. The additional built volume of these ground floor parts in relation to the existing rear projection would be relatively limited in respect of the additional width and depth, with the height being very similar.
6. There would also be a gap to the side boundary with no. 13. Moreover, the back garden is relatively long and the depth of the resultant overall rear projection would not be unacceptably out of line with those found at the nearby properties. The top of the first floor extension would be considerably lower than the ridge of the main roof. Although abutting the boundary with the attached dwelling, it would be set in significantly from the other side.
7. In these circumstances the extended dwelling would not appear cramped, even with the extensions considered together. Their scale, bulk and massing would also be insufficient to result in the host dwelling or site being overwhelmed or overpowered. I reach these conclusions despite the width of the garden being relatively narrow by comparison to its length and the proximity of the adjacent properties and their rear additions.
8. The first floor rear extension would have a pitched roof. This form and the angle of the slopes would reflect those of the main roof as well as the existing and proposed pitched roof parts of the ground floor projection. The proposed development would therefore incorporate the style of the existing dwelling. Rather than appearing disjointed or incongruent, this would give the enlarged property a particularly cohesive appearance. This unifying effect would be reinforced by the use of matching materials in the additions.
9. For the above reasons, it is concluded that there would be no harm to the character and appearance of the host dwelling and locality. The proposed development would comply with Mole Valley Local Plan (LP) 2000, Policies ENV22, ENV23, ENV24 and ENV32, as well as Mole Valley Core Strategy 2009,

Policy CS 14. Taken together and, among other things, these have the following aims. New development should respect and enhance the character of the area. It should be appropriate to the site in respect of matters such as scale, form and appearance and respect its setting taking account of the scale, character and bulk of the surrounding built environment. Development will not be permitted where it would result in a cramped appearance having regard to the general space around buildings in the locality and the character and style of the existing property should be retained.

Living conditions

10. The first floor extension would, according to the Council, be 2.58m deep. The pitched roof would slope down to the sides with its ridge well below that of the main roof. Together with the relatively low eaves level, these matters would significantly limit the bulk and consequential impact at the neighbouring houses to either side where there are first floor windows.
11. Given these factors and the fairly modest depth of the upper floor addition, it would be sufficiently distant from the adjacent openings to prevent any unacceptable overshadowing or loss of daylight. For similar reasons there would also be no unacceptably oppressive sense of enclosure, with the addition not appearing overbearing or overpowering and there being no undue reduction in outlook.
12. The ground floor additions would have a fairly limited single storey height and eaves level, as well as being set back from the boundary with no. 13. The additional depth resulting from the rearmost gable ended addition would be adjacent to a shed at no. 9. In these circumstances and despite matters such as the width of the plot there would also be no adverse effects at the neighbouring properties from the ground floor parts of the overall development.
13. There would be no windows installed in the sides of the first floor addition. Those at the rear would face directly down the back garden of the host dwelling. The height of the side window in the addition at ground floor level and the angle of view from the rooflight, as well as its height and position, would prevent any undue loss of privacy. As a result, there would be no unacceptable overlooking of the adjacent dwellings.
14. For these reasons and even considering the proposed development on a cumulative basis, it is concluded that the living conditions of the occupiers of the adjacent dwellings at 9 and 13 Bentsbrook Road would not be harmed. Other neighbouring dwellings would be more distant so that their occupiers would also experience no detrimental impact with regard to any of the above matters.
15. The proposal would comply with LP Policy ENV22. The aims of this policy include seeking to prevent significant harm to the amenities of the occupiers of neighbouring properties by reason of matters such as overshadowing, overlooking and an overpowering effect.

Other considerations

16. A local resident expresses concern about the property being used to provide rented accommodation. However, this would not be a sound reason for rejecting the appeal. There is no technical evidence to support objections

raised in relation to on-street car parking. I also note that the Council has raised no concerns with regard to either of these matters.

Conclusion

17. Taking account of all other matters raised and given the absence of harm, it is determined that the appeal succeeds. In reaching this decision I have carefully considered the representations made by local residents.

Conditions

18. A condition specifying the approved plans is needed to provide certainty. Another requiring the facing materials to match those of the existing dwelling is justified to protect the appearance of the locality. The removal of permitted development rights to construct windows in the first floor extension other than those shown on the approved drawings is necessary to protect the privacy of adjacent occupiers.

M Evans

INSPECTOR