



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: 8th March 2023

Appeal Ref: APP/C3620/D/22/3312331
68 Nutwood Avenue, Brockham RH3 7LT

- 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 Eric Meintjes against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1349/PLAH, dated 2 August 2022, was refused by notice dated 16 September 2022.
 - The development proposed is described on the application form as "First floor extension at the rear side".
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Preliminary matter

1. In my decision below I have used the description of the proposal given on the Council's decision notice. This is because it reflects the development the subject of this appeal more accurately than that given on the application form.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a first floor rear extension, at 68 Nutwood Avenue, Brockham RH3 7LT, in accordance with the terms of the application, Ref MO/2022/1349/PLAH, dated 2 August 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: A-001, A-002, A-003, A-004, A-005, A-006, A-007, A-009, A-010 and A-014.
 - 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.

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 66 and 70 Nutwood Avenue with particular regard to daylight, overshadowing, outlook, overlooking and visual intrusion.

Reasons

Character and appearance

4. The appeal concerns a two storey dwelling located within a terrace of similar properties. It has a roof addition, as well as a single storey extension at the rear above which the proposed first floor extension would be built. The addition would span more than half of the width of the rear elevation. However, there would still be a significant gap to the attached dwelling to the west at no. 66 Nutwood Avenue, with a window between it and the boundary. Its depth would also be appreciably less than that of the ground floor extension below. The pitched roof form would reflect that of the main roof. This would prevent it having a box-like appearance. The width would only be fairly modestly greater than the height, with it being acceptably proportioned.
5. The Council suggests that the property would lose its original form and have a lack of cohesion at the rear where there would be three extensions at the different levels. However, the existing additions both have flat roofs and virtually span the full width of the rear elevation. The original form of the dwelling has therefore already been obscured to a significant degree by these relatively dominant features, which also have noticeably different window sizes and positions.
6. In consequence and regardless of the decision in this appeal the rear elevation would have a somewhat disjointed and bulky appearance anyway. This would not therefore be a sound reason to reject the first floor addition, given its appreciably more modest bulk, subordinate appearance and sympathetic pitched roof form. In these circumstances and with the use of matching materials, the extension would harmonise with the existing dwelling.
7. There are no extensions at first floor level in the terrace that includes no. 68. However, this is not, in itself, evidence of a harmful impact. Moreover, the nearby dwelling to the west in the adjacent terrace, at no. 64, has a two storey rear and side extension that is a particularly bulky feature. There is also another first floor rear addition further to the west.
8. There are single storey extensions in the host terrace that have a variety of roofs, including pitched, flat roof and lean-to forms, as well as the fairly large main roof dormer addition at the appeal site. In these circumstances, the first floor addition would not disrupt any important sense of regularity or be unacceptably out of keeping with nearby development.
9. Views from the public footpath at the rear of the site would be limited by vegetation and boundary fences. In any case, the development would be seen against the backdrop of the existing dwelling and would not be visually obtrusive or overly dominant. In views from the gardens of adjacent dwellings the fairly modest additional bulk and sympathetic design would also not result in any detrimental visual impact.
10. 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 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 terms of matters such as scale, form and appearance and the character and style of the existing property should be retained.

11. In the National Planning Policy Framework (The Framework) it is indicated that decisions should ensure that developments satisfy a number of considerations, which would be complied with in this instance. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character.

Living conditions

12. The nearest first floor window at no. 70 has obscured glazing and the Appellant indicates that it is a bathroom window, where such glass is normally found. I also note that representations from the occupier of this dwelling make no reference to this window, suggesting that it is not of any concern. Even though the Council indicates that the extension would project beyond a line taken at 45 degrees from this window and one rising at 25 degrees, it provides no outlook in any event. Such glass also tends to have a lesser receipt of light than clear types.
13. There is a window in the roof of the single storey extension at no. 70 through which the extension would be visible. However, the Council explains that this serves a kitchen which has another window. I saw this opening at the end of the neighbouring extension during my site visit and because of its position this would not be affected by the development. In the above circumstances, the relationship of the development to the upper floor window and rooflight would not justify rejecting the appeal.
14. The Council indicates that the extension would not project beyond a line taken at 45 degrees from the nearest first floor window at no. 66. Moreover, the distance from this opening, as well as from the ground floor window in the main rear wall below and outside areas at the neighbouring property would be sufficient to prevent any unacceptable impact. The single storey extension at 66 has a window at the end which would not be affected by the development given its position.
15. There would be no windows in the sides of the proposed first floor addition, with that in the rear elevation facing directly down the back garden of the host dwelling rather than towards adjacent properties. In consequence, there would be no significant loss of privacy from overlooking.
16. Due to the above factors, there would be no undue reduction in daylight or outlook and no unacceptable overshadowing or overlooking. The extension would also not appear visually intrusive, unduly prominent, or have an oppressive or overbearing impact. It is concluded that the living conditions of the occupiers of the neighbouring dwellings at 66 and 70 Nutwood Avenue would not be harmed. Other neighbouring properties would be more distant so that their occupiers would also experience no detrimental impact with regard to any of the above matters.
17. The proposal would comply with LP Policies ENV22 and ENV32. The aims of these policies 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 and extensions should not be unduly prominent from neighbouring properties.

18. There would also be compliance with the Framework, which indicates that developments should promote a high standard of amenity for existing and future users.

Conclusion

19. 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 and the Parish Council.

Conditions

20. 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.

M Evans

INSPECTOR