



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: 16th March 2023

Appeal Ref: APP/L3625/D/22/3310179

85A Victoria Road, Horley RH6 7QH

- 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 Linus Ricketts, against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/01418/HHOLD, dated 24 September 2021, was refused by notice dated 10 August 2022.
 - The development proposed is described on the application form as "Previously approved garage (Approval Ref: 18/00786/F) with proposed first floor home office over".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - The effect on the living conditions of the occupiers of adjacent residential accommodation at 83 Victoria Road, with particular regard to outlook and daylight.
 - The effect on the character and appearance of the locality.

Reasons

Living conditions

3. The proposed development would be constructed next to a building at the rear of 83 Victoria Road that has residential accommodation at ground and first floor levels. The new garage would be directly in front of a clear glazed window at ground floor level with only a fairly minimal gap between them. The first floor office above would be further back than the garage and not be directly in front of the first floor window in the neighbouring building. However, it would only just be set back to the side so that when looking directly from the front, as in the proposed 'North West Elevation', there would be virtually no gap to the window. It would also still be particularly close to this window.
4. In these circumstances the new building would be unduly prominent in views from both of the adjacent windows. This would result in an overly oppressive and unpleasant sense of enclosure. The development would therefore appear overbearing and give rise to an unacceptably poor outlook. The proximity, height and bulk of the two storey development would also result in an undue

reduction in daylight at the neighbouring accommodation. The Council points out that the ground floor window serves the main living area to a fairly small flat. This illustrates its importance to the quality of the environment for occupiers of this unit. The affected windows face to the north-west so that there would be no undue reduction in sunlight.

5. It is acknowledged that a garage was previously given planning permission at the appeal site. However, the Council explains that the neighbouring property was not in residential use at this time. Moreover, the current proposal includes an upper floor anyway. These circumstances justify the Council taking a different view on this case.
6. The Appellant claims that the windows in the neighbouring accommodation at 83C, which is on the ground floor, are closed and curtains drawn across on a permanent basis due to the operation of the charity store. The closing of the window is also said to be a result of noise and fumes from vehicle movements and nearby commercial uses. I saw at my visit that the windows at ground and first floor referred to above had their curtains drawn and were closed.
7. It is accepted that closing windows may be a response to noise and fumes but I am not persuaded that allowing this appeal would significantly mitigate such issues. Moreover, I have no evidence to confirm that there are any significant issues in this respect anyway and was not aware of any appreciable noise or fumes at my site visit. In any event, closing the windows would not, in itself, significantly affect the outlook or daylight levels through what are both clear glazed windows.
8. There is no evidence from any of the occupiers of the flats at no. 83 to explain why the curtains might be drawn. It is also not known whether the accommodation is currently occupied. It may be that future occupiers would leave the curtains permanently undrawn or just drawn some of the time. I am not therefore persuaded that this would be a sound reason for accepting what would be an inherently unneighbourly relationship between the new building and the residential accommodation.
9. Reference is made to the relationship of the flat at 91A and the building to the front. However, I do not have the full details and background to these uses and buildings. I cannot therefore make a meaningful comparison with the current proposal and there is nothing to show that the Council's decision making has been unreasonably inconsistent.
10. Any new security lighting would not change the unduly restricted outlook resulting from the proposal. It is also indicated that the intention would be to provide better light at night. It would not therefore address the reduction in daylight during the daytime either. The Council has raised no objections in relation to overlooking. Nevertheless, because of the seriously adverse effect on outlook and daylight, it is concluded that the living conditions of the occupiers of the adjacent accommodation would be harmed.
11. The proposal would therefore conflict with Reigate & Banstead Local Plan (LP) Development Management Plan 2019, Policy DES1 the aims of which include preventing such adverse effects. This issue inevitably involves the application of subjective judgement. However, this must still be done in order to apply the relevant policy and decide this appeal.

Character and appearance

12. The buildings in the vicinity are predominantly brick faced. However, these vary in their colour and there are also other materials present. These include examples of timber cladding so that its use for the upper floor of the development would not be particularly unusual. Matters such as the height, scale and form of buildings also vary considerably. The asymmetrical form of the first floor home office set to one side of the garage below would broadly reflect that of the two adjacent structures at the rear of no. 91.
13. Rather than comprising an incongruous, unbalanced and visually unsympathetic feature, the proposed development would be compatible with the relatively diverse surrounding built environment. As a result, the character and appearance of the locality would not be harmed. There would be compliance with LP Policy DES1, which, among other things, seeks to ensure that development respects the character of the area.

Other considerations

14. The Appellant has indicated that it was not possible to discuss the proposed development with a planning officer. While I sympathise, this does not, in itself, confer acceptability and I must consider this appeal strictly on its own planning merits.
15. The Appellant indicates that the home office would support the community and create employment. It is also explained that commercial rents are not affordable and that there has been a loss of offices to residential use, which the Appellant indicates to be 80%. However, there is no detailed information or evidence to substantiate these matters.
16. It is acknowledged that a garage would provide more secure parking. However, this might be achieved by other means, such as CCTV and there is no evidence that vehicle crime is a particular issue in the locality. Home working would be beneficial but there are no details of the amount of reduced vehicle use that would result.

Conclusions

17. Given the above circumstances, I accord these other considerations relatively limited weight in favour of the appeal. Moreover, to accept the development on this basis would be to do so at the unacceptable expense of the quality of the environment of the adjacent occupiers. Although acceptable in relation to character and appearance, this does not weigh positively in favour of the appeal and cannot therefore offset the harm that I have found. I conclude that the harm arising in relation to such a fundamental planning issue as living conditions would substantially outweigh the other considerations raised.
18. For the above reasons and taking account of all other matters raised, it is determined that the appeal fails. In reaching this decision I have carefully considered the submitted photographs and other material provided with the appeal.

M Evans

INSPECTOR