



Appeal Decision

Site visit made on 4 April 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/M3645/D/22/3305260

2 New Farthingdale, Surrey, Dormansland RH7 6RJ

- 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 and Mrs B Kelf against the decision of Tandridge District Council.
 - The application Ref TA/2022/569, dated 23 April 2022, was refused by notice dated 28 June 2022.
 - The development proposed is the retention of double garage as constructed.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a double garage as constructed at 2 New Farthingdale, Surrey, Dormansland RH7 6RJ in accordance with the terms of the application, Ref TA/2022/569, dated 23 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 200322-01
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 New Farthingdale, Surrey, Dormansland RH7 6RJ.
 - 3) Within three months of the date of this decision the gable window in the west elevation shall be obscure glazed to a minimum of Pilkington privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window shall be permanently retained as such.

Preliminary Matters

2. The appeal site is in the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) confirms that the Government attaches great importance to Green Belts. The identified fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.
3. The Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014 (TLP) is broadly consistent with this approach. TLP Policy DP12 provides a list of village boundaries within the Green Belt where a number of exceptions allow

development to be permitted, including erection of new ancillary domestic buildings within the curtilage of a dwelling. The list includes Dormansland where the appeal is sited.

4. The Council and the appellant agree that the proposal would meet the requirements of this exception and based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with the guidance set down in the Framework on this matter.
5. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above and paragraph 1 of my Decision.

Main Issues

6. The main issues are the effect of the proposed development on i) character and appearance of the area; and ii) on the living conditions of the surrounding neighbours with regard to outlook, privacy and light.

Reasons

Character and appearance

7. The appeal site is located in a prominent corner plot in a residential area where two storey semi-detached and terraced dwellings predominate in a tight layout providing an overall suburban feel. To the rear of the appeal site is a small road, Dorman's Close, consisting of mainly bungalow properties adding to the low density feel of the area. The proposal is located amongst several other single storey ancillary outbuildings and consists of a single storey garage with a pitched roof. The garage has storage in the roof space and a ridge height of approximately 4.8m.
8. The location of the garage allows unrestricted views of it from various public vantage points. When viewed from the street the proposal is relatively small scale and the pitched roof provides a small bungalow type appearance. Given its context adjoining the bungalow properties at Dorman's Close, the proposal would resemble the overall scale, form and mass here and in this respect does not appear out of keeping. Despite its prominent positioning it is not overly conspicuous because of its respectful scale, form and materials. Whilst the street scene has been altered, the scale and positioning of the building still resembles the other more tightly arranged parts of the surrounding area and as such, it does not appear cramped or as an overdevelopment.
9. The location of the garage does not lower the established spatial standards of the surrounding area, and the unit still retains an ancillary feel to the host property, despite the surrounding boundary treatment of close board fences and gated access. In order that the garage maintains its ancillary relation to the host property in New Farthingdale, a condition should be imposed to ensure that the use remains as ancillary to this unit.

10. For the reasons above, I conclude that the proposed development does not have a harmful impact on the character and appearance of the appeal site or the surrounding area. Consequently, it complies with TLP Policy DP7 and Policy CSP18 of the Tandridge District Core Strategy, adopted October 2008 (TCS) which amongst other things seek to ensure that new development integrates effectively with its surroundings, reflecting and respecting the character, setting and local context. The proposal also complies with Paragraph 130 c) of the Framework insofar as it requires development to be sympathetic to local character.

Living conditions of surrounding neighbours

11. The properties most affected by the proposal are Nos 2 and 2a New Farthingdale and the rear of No 1 Dorman's Close. TLP Policy DP7 seeks to protect the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing and visual intrusion, amongst other things. In terms of privacy and overlooking the policy states in most circumstances, a minimum distance of 14m will be required between principal windows of existing dwellings and the walls of new buildings without windows.
12. In respect to No 2 and 2a New Farthingdale these properties would conflict with the privacy requirements of Policy DP7 as they are located less than 14m from the proposal. Nevertheless, the garage has no habitable rooms and no windows or openings in the elevation adjoining them. Given the sloping topography at the site, the garage is set down at a lower level than the ground floors at these properties. As such, while not strictly in accordance with policy, the appeal proposal does not provide any overlooking or loss of privacy to these properties. Furthermore, given the set down, it does not look out of proportion and causes no harm to the visual outlook from these properties.
13. In terms of privacy at No 1 Dorman's Close, the closest openings to the appeal site are the rear ground floor doors and windows which appear to serve habitable rooms. However, as the proposal is for a garage and does not contain any habitable rooms, any loss of privacy would be minimal. Nevertheless, the provision of the gable window at roof level facing this property provides a perception of overlooking. Given that the window serves a storage area it would be appropriate to attach a condition to secure obscure glazing to prevent any perception of overlooking.
14. In respect to light, I have not been provided with any Daylight and Sunlight Assessment from either party. Nevertheless, given the orientation of the properties, the course of the sun, and therefore the direction of shadowing, the impact on sunlight as a result of the proposal on the aforementioned surrounding properties would be limited. Moreover, the large openings at ground floor level at these properties allow a good degree of light to enter habitable rooms. Even without more detailed British Research Establishment tests, I am satisfied that the proposal maintains a reasonable relationship with the surrounding properties and does not lead to an excessive loss of daylight and sunlight.
15. Whilst the appeal proposal does increase the extent of the built form close to party boundaries, the design means that overall, the appeal proposal's height, scale and bulk is not of a level which gives rise to significant additional overshadowing, nor an undue sense of enclosure relative to the rear openings at the surrounding properties or their garden areas. Neither does its overall

presence significantly reduce the current aspect enjoyed by those occupants to an extent that it is overbearing.

16. For the reasons above, the proposal does not unacceptably harm the living conditions of the existing occupants of Nos 2 and 2a New Farthingdale and No 1 Dorman's Close with particular regard to loss of light, overbearing or overshadowing effects. The scheme is compliant with TCP Policy CP18 and TLS Policy DP7 which amongst other things, are concerned with high quality development and protecting residential amenity. The proposal is also consistent with Paragraph 130 f) of the Framework which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Conditions

17. No suggested conditions have been received from the Council and as such I have imposed a condition requiring the development to be carried out in accordance with the approved plans for certainty. I have attached a condition which is necessary to ensure the use of the development remains ancillary to the main house. I have also attached a condition securing obscured glazing on the gable window to protect living conditions of neighbouring properties in terms of privacy.

Conclusion

18. For the reasons set out above, the proposal would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR