



Appeal Decision

Site visit made on 27 April 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/L3625/D/23/3316271

75 West Street, Reigate, RH2 9DA.

- 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 & Mrs S Khemani against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/02023/HHOLD dated 8 September 2022, was refused by notice dated 6 December 2022.
 - The development proposed is described as a ground floor front, side and rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed rear extension. The appeal is allowed insofar as it relates to the proposed ground floor front and side extensions and planning permission is granted for the proposed single storey front and side extensions at 74 West Street, Reigate, RH2 9DA in accordance with the terms of the application, Ref 22/02023/HHOLD dated 8 September 2022, and the plans submitted with it, so far as relevant to those parts of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as relevant to the development hereby permitted: PLN 01, PLN 02, PLN 03, PLN 04, PLN 05, PLN 06, PLN 07, PLN 08, PLN 09, PLN 10 and PLN 11.
 - 3) The materials to be used in the construction of the external surfaces of the single storey front and side extensions hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect of the proposal on the character of the street scene.

Preliminary matter

3. The description for the proposed development refers to a front, side and rear extension. However, as the three elements of the proposal are physically and functionally separate, the interests of clarity I have referred to the development as ground floor front, side and rear extension.

Reasons

Character and appearance

4. The Reigate and Banstead Borough Council – Character & Distinctiveness Design Guide Supplementary Planning Document 2021 (SPD), sets out a series of stages to help achieve good design. They include context appraisal and design and advises that it is important to appreciate the strengths, weaknesses and potential of a site, taking into account its surroundings.
5. The Appeal site is situated within a primarily residential area located on the periphery of the built-up area. It is characterised by a diverse range of homes of various sizes, forms, designs and ages. Whilst some dwellings are individually designed, others are located in small uniformly designed pairs/groups. Notwithstanding this due to the diverse range of dwellings, together with the varied sized soft landscaped plots, staggered building lines and areas of open space, the overall character of the immediate and wider area is both verdant and informal.
6. The appeal dwelling comprises one of a row of four irregularly shaped, modest height bungalows which are uniform in design and appearance, although some of their fenestration varies. They occupy generous sized plots and are set back from the street scene behind deep front gardens. From the street scene they are seen against a backcloth of trees within and beyond their rear gardens. On one side they are flanked by two pairs of uniformly designed houses located close to the pavement and on the other by a detached house that occupies a large mature landscaped plot. Directly opposite is a large purpose-built care home and to the rear is an area of part open and part wooded countryside.
7. Within the street scene the projecting integral, flat roofed double garages located to the front of the bungalows provide a sense of separation between the dwellings. When approaching from the east the front elevations of the four bungalows are largely screened from each other by the existing garages, although the side and front facing gables are clearly visible above the flat roofs of the garages. When approaching from the west the garages and front/side gables remain the dominant features and provide a sense of separation between the main front elevations of the four dwellings. The front elevation of the westernmost bungalow, which sits alongside the appeal site, is largely hidden from the street scene by hedging.
8. Together and amongst other things Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan 2019 (DMP) and paragraphs 126 & 130 of the National Planning Policy Framework 2021 (the Framework), state that new development should be of high-quality design and make a positive contribution to the character and appearance of its surroundings. It should promote and reinforce local distinctiveness and have due regard to the scale, height & roofscape of the surrounding area and the relationship to neighbouring buildings. New development should be accessible and inclusive for all users and should not have an adverse impact on the living conditions of the occupiers of existing nearby buildings
9. The Reigate and Bansted Supplementary Planning Guidance – Householder Extensions and Alterations 2004 (SPG), is consistent with this. It advises that extensions should not be unduly prominent and should respect the appearance, form and detailing of the host property. The SPG advises that extensions

should be proportionate in scale and width to the host dwelling; side extensions should be set back from the front wall of the dwelling; and front extensions will rarely be acceptable. Extensions should not appear overbearing when viewed from neighbouring properties, or result in a material loss of daylight/sunlight. Also, when altering a property, it may present an opportunity to make the property more accessible and inclusive.

10. The proposed front extension includes the forward projection of the existing front facing gable, which would remain recessed behind the host and adjacent flat roofed garages. A second part gable would be introduced alongside it, although it would not be as deep and would have a lightweight glazed front gable. Overall, the front extension would respect the proportions of the existing front facing gable and those of the adjacent dwellings and would be constructed from materials that match those of the existing dwelling. Whilst it would introduce a change to the front elevation to the host dwelling, it has been designed to respect and complement its form, design and appearance.
11. Within the street scene the proposed front elevation would be set back from and contained within the projecting flat roofed garages and would retain the open and spacious front garden environment. Its twin gables would respect the form and appearance of the row of bungalows as a whole.
12. The side extension would be modest in form and height and would respect the form and design of the host dwelling and would adhere to the flat roof design of this part of the dwelling. It would be discretely located to the rear of the host garage, where it would be screened from the street scene by the host dwelling and the dwelling at 73 West Street (No.73).
13. Notwithstanding its depth and width, due to the proportions of the rear facing gables the proposed rear extension would appear subservient and would respect the character and appearance of the host dwelling and the rear garden environment as a whole.
14. Finally, I acknowledge that the appeal site is located close to the Flanchford Road & Colley Lane Conservation Area. However, due to the recessed position of the row of bungalows and the discrete siting and projection of the proposed extensions, the proposal would not have a material impact on views into or out of the conservation area. Accordingly, the proposal would preserve the character and appearance of the setting of the conservation area and would not impact on its significance.
15. For these reasons, I conclude on the first main issue that all three extensions would respect the form, character and appearance of the host and adjacent dwellings and would be readily assimilated in to the street scene and the rear garden environment. Accordingly, in this respect the proposal would comply with DMP Policy DES1, paragraphs 126 & 130 of the Framework and the objectives of the SPG.

Living conditions

16. Due to its juxtaposition and combined depth, height and proximity, the proposed rear extension would be visually oppressive in the outlook from the adjacent rear facing window and the adjacent sitting out area at No.77. Whilst the hedge and shrubs along the boundary between the two properties provides screening, they are not particularly dense and are not all evergreen, hence

they are less effective during the winter months. Also, the hedge/shrubs allow for daylight and sunlight to filter through them and help create a sense of space within the garden at No.77.

17. For this reason, I find that the proposed rear extension would be visually enclosing and overbearing and would unacceptably harm the living conditions of the occupiers of No.77. Whilst any loss of daylight/sunlight would be minimal, it would nonetheless exacerbate the overbearing impact of the proposed rear extension. This harm is not something that could be satisfactorily addressed through the imposition of conditions and is such that it would outweigh the overall benefits for the applicants that would result from the proposal.
18. The appellant has referred to the availability of permitted development rights. However, extensions in excess of four metres deep or four metres high are subject to neighbour consultation and in this instance concerns have been expressed by the owner of No.77. As such this does not weigh in favour of the proposal as an extension within the above parameters would have materially less impact on the living conditions of the occupiers of No.77 than the proposal.
19. Due to the juxtaposition between the proposed front extension and the closest window in the side elevation at No.77, the proposed front extension would not be visually overbearing in the outlook from the room served by that window. The proposed side extension would not be visible from the dwelling or the main sitting out areas at No.77 and so would not impact on the living conditions of the occupiers of that property.
20. With regard to 73 West Street (No.73), the proposed front extension would be screened from that property and the proposed rear extension would be located a sufficient distance from No.73, so as not to have an overbearing impact or result in a material loss of daylight or sunlight. The proposed side extension would be sited immediately adjacent to the boundary with No.73. However, it would be located adjacent to a plain flank side wall of No.73. Accordingly, I am satisfied that notwithstanding its proximity, it would not have a materially adverse impact on the living conditions of the occupiers of No.73.
21. For these reasons I conclude on the second main issue that the proposed rear extension would materially and unacceptably harm the living conditions of the occupiers of No.77 due to its overbearing and enclosing visual impact. Accordingly, in this respect the proposal would conflict with DMP Policy DES1, paragraphs 126 & 130 of the Framework and the objectives of the SPG.

Other matters

22. The proposal would make the dwelling more accessible and inclusive and would help meet the personal needs of the appellants. Whilst I have considered this carefully and it weighs in favour of the proposal, it would not outweigh the harm that would be caused to the living conditions of the occupiers of No.77.
23. Noise, disturbance and additional traffic movements are a temporary consequence of many developments and rarely amount to a reason for withholding planning permission. In this instance the property is served by a main distributor road and highway visibility of and from the property's crossover is good. Also, the property benefits from on-site parking and a

spacious front garden that could be used for parking, deliveries and on-site turning.

24. Finally, land and property values are not a planning matter and the Party Wall Act is dealt with under other legislation.

Conclusion

25. Whilst I have found in favour of the Appellant on some matters, my conclusion on the second main issue amounts to a compelling reason for dismissing this Appeal, in so far as it relates to the proposed rear extension. However, in view of the acceptability of the proposed front and side extensions I have considered the possibility of issuing a split decision. As these aspects of the proposal are clearly functionally and physically separate to the proposed rear extension, I am able to issue a split decision in this instance.

Elizabeth Lawrence

INSPECTOR