



Appeal Decision

Site visit made on 18 July 2023

by **L Francis BA (Hons) MA MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/L3625/W/22/3309874

Sheila, Battlebridge Lane, Merstham RH1 3LH

- 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 Upright Properties against the decision of Reigate and Banstead Borough Council.
- The application Ref 22/01422/F, dated 24 June 2022, was refused by notice dated 19 August 2022.
- The development proposed is erection of a detached 2 bedroom dwelling following the demolition of a side extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of the occupiers of Three Wishes, with particular regard to privacy and outlook.

Reasons

Character and appearance of the area

3. The area is characterised by predominantly two storey semi-detached and detached dwellings, set in large plots with front and rear gardens. Although plot sizes in the area are not uniform, they are generous. These plots, along with the presence of a park opposite the appeal site, give the area a spacious and verdant character and appearance.
4. Sheila is located at one end of a row of three similar detached houses, all of which have been altered and extended. Its plot is very wide where it fronts the street but tapers to the rear where it meets the plots of Three Wishes and houses on Devon Road. The relationship between the plots is unusual in that Three Wishes is significantly set back from the street and its rear elevation is angled towards the rear garden of Sheila.
5. The appellant points out that the two houses adjacent to the appeal site are both built up to their side boundaries, with little separation between the houses. I noted on my site visit that whilst there is some built form up to the side boundaries, there is a set back to one side of each house. To Jonquil, the built form to one side boundary is a single storey garage. To Springbank, one of its boundaries is abutted by an extension with a hipped roof stepping from 1

to 2 storeys. This has the effect of maintaining a feeling of space between the houses. Even though Sheila itself has a gabled roof extension, the setting of the building in the wide plot maintains the sense of spaciousness to the row of houses.

6. The introduction of a 2 storey gable ended building adjacent to Sheila, albeit with a 1m setback from the shared boundary, would significantly and noticeably erode the space around Sheila. Due to the minimal separation between Sheila and the proposed building, and the creation of the small, tapering plot, the proposal would result in a plot distinctly at odds with most plots around the appeal site. Thus the proposed development would appear cramped, in conflict with, and consequently harmful to, the spacious character and appearance of the area.
7. Furthermore, to the rear of the proposed house, the extent of glazing to the gable at first floor would appear incongruous and out of character with the prevailing, more traditional, rear elevations and roof forms found in neighbouring houses. This would also result in harm to the character and appearance of the area.
8. When viewed from the street, I acknowledge the roof of the proposed house would be squatter than its neighbours and the eaves height not an exact match to those adjacent. Given the variation of roof forms present in the street, however, I do not consider this element of the scheme harmful. I also accept the proposed use of brick, render and roof tiling would fit with the context of neighbouring houses.
9. I note that there would be more hardstanding to accommodate the proposed car parking. The arrangement would be similar to that found elsewhere in the area and there would be sufficient space for additional planting; I do not therefore find that it would be overly urbanising or harmful to the character and appearance of the area. This matter holds neutral weight in my determination of this appeal.
10. My attention has been drawn to several other residential developments locally on garden land or brownfield sites. The example in the vicinity of the appeal site is the garden land development at No. 2 Devon Road¹. I note that the site has a different context in terms of plot shape and relationship to nearby properties. The other two examples cited in the appellant's statement are for significantly larger developments replacing former commercial buildings. I do not find that any of the examples provided are directly comparable to the appeal site. In any event, I have determined this appeal on its own merits.
11. For the reasons outlined above, the appeal proposal would harm the character and appearance of the area. This runs contrary to the aims of Policies CS 4 of the Reigate and Banstead Core Strategy (2014) and Policies DES 1 and DES 2 of the Reigate and Banstead Development Management Plan (2019). Amongst other things, these policies all seek development proposals to make a positive contribution to and respect the character and appearance of the surrounding area. For the same reason, the scheme would also conflict with the aims of the council's Distinctiveness Design Guide Supplementary Planning Document 2021

¹ 14/01644/OUT | Demolition of existing double garage and garden room/studio. Construction of a detached two storey 3 bedroom house and ancillary parking

which similarly seeks, amongst other things, to ensure development respects and responds to its context.

Living conditions of neighbouring occupiers

12. The proposed 2 storey built form would be close to the boundary with Three Wishes and would appear highly prominent when viewed from the garden of Three Wishes. Due to this proximity and dominance in relation to Three Wishes, the proposed building would be overbearing and would therefore harm the outlook of the occupiers of Three Wishes.
13. Whilst the primary view from the rear first floor window would be over the garden of the appeal site, given the window's size and the orientation of the boundary with Three Wishes, I consider that a large proportion of Three Wishes' garden would also be readily overlooked. The significant extent of glazing at first floor would also intensify the perception of being overlooked when in the garden of Three Wishes.
14. I appreciate that the small size of the rear garden might mean that the amenity space would be intensively used, but this possibility exists in any garden space irrespective of size and would not necessarily mean that there would be greater disturbance to neighbouring occupiers as a result. This matter is a neutral consideration in my determination of the appeal.
15. In terms of the living conditions of neighbouring residents therefore, the proposed house would be an overbearing form of development in relation to the garden of Three Wishes and would also result in overlooking to this garden from the rear first floor bedroom window. Thus, the scheme would harm the living conditions of the occupiers of Three Wishes with particular regard to outlook and privacy, contrary to the aims of Policy DES 1 of the Reigate and Banstead Development Management Plan (2019) and Policy CS 4 of the Reigate and Banstead Core Strategy (2014), which, amongst other things, require new development not to adversely impact the amenity of occupiers of nearby buildings.

Planning balance

16. I acknowledge that the appeal proposal has the benefit of providing a new dwelling in a location where services and employment can be easily accessed by a range of sustainable transport modes. However, the harm I have identified to the character and appearance of the area and to the living conditions of Three Wishes outweighs the identified benefits.

Other Matters

17. I have had regard to other matters raised including, but not limited to, the effect of the proposals on the privacy of residents on Devon Road, trees and biodiversity, traffic and highways issues, noise and inconvenience from construction works, and drainage issues. As I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.
18. I acknowledge the appellant's comments regarding the pre application communication with the council and subsequent amendments. However, this is a matter between the main parties and has no bearing on my consideration of the appeal.

Conclusion

19. I have found that the appeal proposal would harm the character and appearance of the area and the living conditions of the residential occupiers at Three Wishes. As such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

L Francis

INSPECTOR