



Appeal Decision

Site visit made on 20 September 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal Ref: APP/L3625/W/23/3315973

4 Bouverie Road, Chipstead, Surrey CR5 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Sara Lane against Reigate and Banstead Borough Council.
 - The application Ref 22/02494/HHOLD, is dated 11 November 2022.
 - The development proposed is the construction of rear/side 2 storey extension, increase in ridge height and replacement of existing gates.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of rear/side 2 storey extension, increase in ridge height and replacement of existing gates at 4 Bouverie Road, Chipstead, Surrey CR5 3LX in accordance with the terms of the application, Ref 22/02494/HHOLD, dated 11 November 2022, subject to the conditions in the schedule below.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published by the Government after the determination of the planning application. It does not raise any new considerations in relation to this appeal.

Main Issue

3. Although there is no formal decision from the Council, they have offered a putative reason for refusal. Based on this, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a sizeable dwellinghouse sitting within a large plot. The surrounding area is generally characterised by similarly large, and indeed larger houses, sitting within similarly well sized plots. Given the width of the road, together with houses being set back within their plots and the abundant boundary planting and trees within gardens, the area has an open, spacious and verdant character to which the appeal site positively contributes.
5. Within this broad character, there is variety in the appearance of dwellings as well as their sizes. Whilst there could be said to be some broad Arts and Crafts stylings to some of the houses (including the appeal property), not all have such elements to them. It is also evident that architecturally, some houses have been extended more successfully than others.
6. Whilst the space around and between houses contributes to the character of the area, as with the houses themselves, this is not uniform and varies

between different buildings. Indeed, it is this lack of uniformity in the size and appearance of the buildings and the space around them that adds to the character of the area.

7. Indeed, this character has been recognised by Policy DES3 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP) which identifies the area as being one of several Residential Areas of Special Character (RASC) within the borough. Broadly, this policy seeks to retain the density and character of each RASC, by ensuring that developments are sensitive and respect the prevailing character, the size and form of the buildings, as well as their plots and the spaces around them. More generally, Policy DES1 of the DMP requires new development to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings.
8. The proposal is principally to extend the existing dwelling to the side and rear, with some external alterations to the existing parts of the building. There would also be a slight raising of the overall ridge height that would create a small crown roof. The outcome would see the loss of the large catslide roof to the side and its replacement with a two-storey side elevation with hipped roof.
9. The result would be an obviously much larger building. The increased scale and mass of the building would find particular expression in a more horizontal emphasis of the front elevation, particularly at first floor level. However, the front catslide roof and dormer would be retained. These, together with the continuation of painted brick and hanging tiles as well as the new garage would provide some variation and relief to the horizontal emphasis and width of the elevation.
10. The new, largely blank two-storey side elevations would be visible from the road and together with the crown roof would attest to the building's overall scale and massing. However, views of the eastern elevation in particular would be limited. The western side, whilst more evident within the street scene would not be overly dominant given the position of the building relative to neighbouring properties. It is likely that both side elevations would be finished in render, but clarification could be provided via a planning condition.
11. The proposal would also retain a gap to the boundary with No.2 Bouverie Road of some 2.378m, and 3.262m to this neighbour's single storey side elevation. In support of their cases both main parties have drawn comparisons with other properties in the area. However, to my mind, what this demonstrates is that there is no uniformity in the space around and between buildings and that it is the circumstances of this particular site to which I should have most regard.
12. Whilst the space between the extended dwelling and No. 2 would be reduced, a clear visual gap would be retained between both buildings, particularly at first floor level where the relationship will be most noticeable. The retained gap to No.6 Bouverie Road helps to safeguard an overall sense of spaciousness around the building. Within the context of the RASC, the resulting building and its relationship with its neighbours would not be seen as being unduly out of keeping with the area as a whole.
13. Whilst I agree with the Council that these works appear to take the host building to the outer edges of what might be considered acceptable for this site within this particular RASC setting, I am satisfied that it would not tip over into

being unacceptable. Therefore, on balance, I find that the result would allow the dwelling to continue to positively contribute to the overall character and appearance of the area.

14. As such, the proposal would accord with Policies DES1 and DES3 of the DMP which, amongst other things, seek to protect and respect the character of the Borough and that of the RASC in particular.

Other Matters

15. Drawings of the proposed new gates were neither provided nor requested. However, they would be wrought iron, as are the existing gates, but would be 2m in height with piers of 1.91m. They would also be noticeably wider than the existing gates. The Council's 'Local Character & Distinctiveness Design' Supplementary Planning Document 2021 (SPD) is clear that means of enclosure such as this should reflect the existing street context, with 1.8m being the maximum height of a gate rather than the norm or an objective.
16. Whilst there are some properties in the area which have wrought iron gates and which appear to be 2m in height, this seems to be the exception rather than the rule. Indeed, it appears to me that such taller elements are a negative feature that detract from the more open and verdant character of the area. This aspect of the proposal would clearly be contrary to the SPD.
17. However, in view of my findings in relation to the more substantive elements of the proposal, I am satisfied that a condition requiring the submission of the entrance gate details, that adhere more closely to the SPD, would address the matter without prejudicing either party.
18. The proposal would extend the building closer to No.2 and beyond its rear elevation. The Council has indicated that the proposal would comply with the 25 and 45 degree rules in relation to this neighbour's side and rear windows. These are a helpful guide as to whether or not a loss of light is likely to occur. I have no substantive evidence to reach a different conclusion from the Council.
19. The extended building will clearly be visible from the neighbour's rear garden and patio. However, given its position and relatively limited projection beyond the rear elevation it would not appear overbearing. The larger building may result in some shadow being cast across a relatively small part of the neighbour's property. However, I am satisfied that any effect in this regard would not be unduly harmful to the living conditions of these neighbours.
20. New upper floor side windows to both side elevations are indicated as being obscurely glazed with restricted opening. Such matters can be controlled through a condition to protect neighbours' privacy.

Conditions

21. In addition to the standard time limit, a condition is required in the interests of certainty that lists the approved plans.
22. For the reasons I have indicated in my decision, conditions are necessary in relation to the external materials, side windows and the entrance gates/piers.
23. Although the mature tree to the front of the existing house is away from the main works to the side of the existing building, its position means that it would be susceptible to damage from storage of plant or materials under its canopy

and the movement of plant or vehicles during the construction phase. In addition, the widening of the driveway in association with the works to the entrance would run to the edge of its canopy. Accordingly, a condition is necessary to ensure its protection. The appellant has provided written agreement for this condition.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the schedule below.

Stewart Glassar

INSPECTOR

Schedule of 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 (except in respect of the new gates and piers shown on plans 4BR/10/2022/014 & BR/10/2022/08):

4BR/PHOTOS Ref: A	-	Photo Ref Dwg
4BR/10/2022/01	-	Site and Block Plan
4BR/10/2022/12	-	Proposed South (Front) Elevation
4BR/10/2022/11	-	Proposed North (Rear) Elevation
4BR/10/2022/13	-	Proposed West and East Elevations
4BR/10/2022/10	-	Proposed Roof Plan
4BR/10/2022/08	-	Proposed Ground Floor
4BR/10/2022/09	-	Proposed First Floor
4BR/10/2022/14	-	Existing & Proposed Street Views
- 3) The mature tree to the front of the existing house and shown on the approved drawings 4BR/10/2022/01 & 4BR/10/2022/08 shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 4) No development above slab level shall take place until details of the external materials for the side elevations have been submitted to and approved in writing by the local planning authority. The external surfaces of the front elevation of the extension shall match those used in the existing front elevation. Development shall be carried out in accordance with the approved details.
- 5) The first floor windows in the east and west side elevations of the development hereby permitted shall be glazed with obscured glass 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 shall be maintained as such at all times.
- 6) Notwithstanding the submitted details in drawings 4BR/10/2022/08 & 4BR/10/2022/01, details of the entrance gate and piers (including positions, design, finished materials and heights) shall be submitted to and agreed in writing with the local planning authority prior to the occupation of the development hereby permitted. Once the approved details have been implemented, they shall be maintained as such at all times.

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