



Appeal Decision

Site visit made on 10 October 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal Ref: APP/L3625/W/23/3316639

170A High Street, Banstead, Surrey SM7 2NZ

- 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 Andy Downing against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/02513/F, dated 28 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is the construction of a new first-floor roof space addition to the existing single-storey property, within the existing building footprint, comprising face brickwork walls and new roof, to extend the veterinary business premises, in order to meet the public's demand.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Surrey has been made after Banstead rather than preceding as shown on the application form.

Main Issues

3. The main issues are the effect of the proposal on the i) living conditions of nearby residents in Chiltons Close with specific regard to outlook and light; and ii) character and appearance of the area.

Reasons

Living conditions

4. The Council have raised no concerns as a result of the proposal in respect to the living conditions of the nearby residents at No 170 High Street. I have no reason to disagree with the Council, that the proposal would not cause harm to the living conditions of these residents with regard to matters such as outlook, privacy and light.
5. The properties therefore most affected by the proposal are 2–10 (evens) Chiltons Close, whose existing rear windows serve habitable rooms and are single aspect units facing the proposal. As such these windows would not receive additional light or outlook from a separate room. In respect to light, I have not been provided with any daylight/sunlight analysis, however given the northern location of the proposal and orientation of these dwellings, there is unlikely to be any significant loss of light to either habitable rooms or amenity space.

6. Currently the windows at the rear of Chiltons Close are in close proximity to the appeal site and overlook its roof, thus any increase in height and mass in this location would have a significant visual impact on the outlook from these units. The proposal would considerably increase the height at roof level from the existing, creating a crown roof feature that would obscure and enclose views from the windows of these properties to their detriment. Whilst it is acknowledged that views from these windows are rather utilitarian, given they face the rear of the properties fronting the High Street, nonetheless the existing space between the properties provides important "breathing room" between the existing developments. The proposal would enclose this space providing the residents of Chiltons Close with a heightened sense of enclosure and a feeling of being hemmed in, and thus harming the outlook of these occupiers.
7. The proposal also includes five rooflights on the south roof elevation facing the windows in Chiltons Close. These openings would be fairly high level serving a lab, office and kitchenette and would enable direct overlooking between the properties at close quarters. Nonetheless, I accept that the perception of overlooking and loss of privacy from these rooflights, could be alleviated through an obscure glazing condition. However, this would not mitigate the harm I have already identified to the living conditions of these occupiers in respect to outlook.
8. Consequently, the proposal would unacceptably harm the living conditions of the occupants of Chiltons Close, due to its dominating and oppressive outlook. Therefore, the proposal would conflict with the relevant provision of Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan (DMP), adopted September 2019 which, among other things, seeks to protect the amenity of the occupants of existing nearby buildings from overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy. It would also be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, also seeks a good standard of amenity for all existing occupants of buildings.

Character and appearance

9. The appeal site is located to the rear of High Street in Banstead just outside the designated Town Centre. The existing site consists of a modest single storey building used as an existing veterinarian surgery with a small associated car park adjoining the entrance. There are residential properties near to the site, notably at the aforementioned 2-10 Chiltons Close and 170 High Street. The surrounding area is mixed use with mainly commercial, service and retail functions fronting the High Street and residential units located in the roads to the rear.
10. The proposal seeks additional floorspace to the host property through the provision of a roof extension with a 45-degree pitch and barn hips, creating a crown roof to provide an additional storey. Given its rear and tucked in location the proposal would have limited views from public vantage points, with the main visual impact experienced from the properties in Chiltons Close to the rear and glimpse views via the small access road to the west.
11. There are a variety of eaves heights and treatments within the area, and whilst there is no regular rhythm or pattern to these features, the majority of properties have a traditional roof treatment consisting of hipped and gabled

roofs with a regular ridge line. However, there are examples of developments with crown roofs in the vicinity including Waitrose, 80-100 (evens) High Street and 91-93 High Street, and as such the crown roof feature would not appear out of keeping.

12. The existing position of the host property limits the scope for development. The provision of the 45-degree pitched roof and barn hips soften the appearance of the roof of the proposal, and whilst an unusual feature, would ensure that the proposal would provide a thoughtful and respectful design maintaining the modest appearance of the host property. The materiality of the scheme is important, and whilst the details are highlighted on the plans, these are matters that could have been subject of a condition, to allow for further detailed design. Overall, the design of the proposal would respect the character and appearance of the area.
13. I therefore conclude that the proposed development would not lead to an adverse effect on the character and appearance of the surrounding area. The proposed development, in this regard, would comply with the design requirements of DMP Policy DES1 which requires new development to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings. The proposal would also accord with the provisions of the Framework which amongst other things, also seeks to secure high quality design and respect local character.

Other Matters

14. I have had regard to the benefits of the appeal scheme, in that the proposal would provide employment opportunities and additional pet care in a relatively sustainable location. I am in no doubt as to the positive value of these matters and I recognise that the appeal proposal may also accord with various other development plan policies. However, these benefits do not provide clear and convincing justification to outweigh the harm to the living conditions of the nearby residents identified above.
15. Furthermore, I also acknowledge that the principle of the proposal is not in dispute, nevertheless, this would be neutral in the planning balance and would not outweigh the identified harm to the living conditions of the nearby residents in Chiltons Close.

Conclusion

16. Taking all of the above into account, the proposal would therefore conflict with the development plan taken as a whole and there are no other material considerations to indicate that my decision should be made other than in accordance with the development plan.
17. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR