



Appeal Decision

Site visit made on 17 January 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/L3625/D/23/3329372

5 Colman Way, Redhill RH1 2BB

- 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 S Satheeswaran against the decision of Reigate and Banstead Borough Council.
 - The application Ref 23/01177/HHOLD, dated 8 June 2023, was refused by notice dated 28 July 2023.
 - The development proposed is described on the application form as "New part two storey part single storey rear/side extension and front porch".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 3 Colman Way, with particular regard to whether the development would appear overbearing.

Reasons

3. The appeal concerns a two storey semi-detached dwelling where planning permission has previously been granted for a two storey side extension. This would come fairly close to the boundary with the neighbouring property at 3 Colman Way. This has not been built but the current proposal would project to the flank in the same manner, while also extending rearwards at two storey height.
4. The proposed rear extension would have a hipped roof with its eaves and ridge lower than those of the host dwelling and have a fairly minimal set back from the end of the side addition. The Appellant indicates that there would be a gap of over 6m between the enlarged house and the side wall of the adjacent dwelling at no. 3. However, despite these factors the rear addition would still give rise to significant built form of a two storey height, bulk and scale with a depth of about 3m, in particularly close proximity to the adjoining rear garden.
5. In these circumstances, the development would give rise to a relatively unpleasant and oppressive sense of enclosure to users of the amenity space. Moreover, this adverse effect would be further exacerbated by the

- neighbouring property being at an appreciably lower level and being set further forward in the plot than the dwelling at the appeal site.
6. The adjacent garden is about 20m deep and on average 9m wide, according to the Appellant. However, the adverse effect would occur fairly close to the back of the house. For reasons of convenience this tends to be the part of the garden most heavily used by occupiers and therefore most important to the quality of their environment. I do not accept that the amenity space is so wide that it would significantly mitigate the impact. Moreover, the restricted outlook would be apparent from much of the garden when looking towards the extension, which would not therefore have a limited effect on a small part.
 7. The approved side addition would not project rearwards beyond the existing main rear wall of the host dwelling, unlike the rear two storey extension now proposed. It would therefore be set against the backdrop of the existing side elevation and not increase its two storey depth. In consequence, the existing permission provides no significant support for this appeal.
 8. It is pointed out that revised plans were submitted during the Council's consideration of the application reducing the ridge and eaves height of the rear projection. Nevertheless, this does not confer acceptability on the appeal which must be considered on its own merits.
 9. As a result of these factors, the rear extension would appear overbearing and unacceptably dominant. It is therefore concluded that the living conditions of the occupiers of the adjacent dwelling would be harmed. The proposal would therefore conflict with Reigate & Banstead Local Plan Development Management Plan 2019, Policy DES1, the aims of which include preventing such adverse effects.
 10. The detrimental effect described above would occur in relation to the rear garden at no. 3. The impact in relation to the windows of the house would be acceptable, given matters such as their distance from the development and the non-habitable accommodation served by some of these openings. The effect on no. 7, to the other side, would also be acceptable given the fairly modest scale and size of the single storey part proposed nearest to this property. The design and appearance of the development would also be appropriate. Nevertheless, the lack of harm in respect of matters such as these are neutral factors that weigh neither for nor against the proposal.
 11. Because of the harm to living conditions and taking account of all other matters raised, it is determined that the appeal fails.

M Evans

INSPECTOR