
Appeal Decision

Site visit made on 15 January 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/C3620/D/23/3328276

33 Oswald Close, Fetcham, Surrey KT22 9UA

- 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 Joe & Elsa Norman against the decision of Mole Valley District Council.
 - The application Ref MO/2023/0557/PLAH, dated 14 April 2023, was refused by notice dated 9 June 2023.
 - The development proposed is to demolish the existing garage and to build a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing garage and to build a two storey side extension at 33 Oswald Close, Fetcham, Surrey KT22 9UA in accordance with the terms of the application Ref. MO/2023/0557/PLAH, dated 14 April 2023 subject to the following conditions:
 1. The development hereby permitted shall not begin later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL001, PL002, PL003, PL004, PL005, PL006 and PL007.
 3. The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no additional windows shall at any time be inserted in the North side elevation of the dwelling as extended.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the 'Framework') was published in December 2023, but there are no material changes relevant to the substance of the appeal.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 11 and 15 Bickney Way, with specific reference to outlook.

Reasons

Character and Appearance

4. The appeal site comprises an end of terrace house within a cul-de-sac, set slightly higher and forward of the adjoining neighbour at 35 Oswald Close. The host dwelling currently has a single storey garage attached to its flank elevation which would make way for the proposed extension.
5. The appeal site is visible from both Oswald Close and Bickney Way to the east and appears as part of a planned development with properties of a similar age, albeit of differing densities with 11 and 15 Bickney Way constituting a pair of larger, detached houses set within relatively generous plots.
6. I note the Council's concern that the proposed extension would close up the space between buildings and appear cramped, however, whilst the extension would have a deeper footprint than that of the garage (equating to that of the main dwelling) it would in fact be built off of the boundary (by approximately 0.5m), which currently is not the case. The extension would be lower than the host dwelling, as a result of a slacker roof pitch, however by virtue of the aforementioned differing ridgelines and alignment of front elevations within the terrace, I consider that the proposed extension would not appear unduly out of character with its immediate surroundings. Further, the gap between it and the northern boundary would provide a degree of breathing space, notwithstanding that this would not comply with the Householder Design Guidance.
7. The Householder Design Guidance advises that there should be at least a 1m gap from the side boundary, however bearing in mind the existing mature conifer hedging within the adjoining garden at no 15, I consider that the narrower gap of just under 0.5m would not be clearly discernible to casual passers by along Bickney Way, and it would be in tune with the more dense layout of the close itself. The provision of a first floor would reduce views through the appeal site, but overall the loss of open space between buildings would not be material.
8. Whilst I acknowledge that the resulting building would appear substantially larger than the existing dwelling, that in itself is not necessarily harmful in itself and I consider that it would not be out of scale with other nearby properties. The roof pitch would not be the same as the existing house, nonetheless views of the flank elevation would be relatively oblique and not unduly harmful to the character and appearance of the area either.
9. Consequently I consider that the layout would not result in a cramped arrangement and therefore the character of the area would be protected with the proposal complying with Policy CS14 of the Mole Valley Core Strategy (2009) and Policies ENV22, ENV23, ENV24 and ENV32 of the Mole Valley Local Plan (2000) which require development to respect and enhance the character of the area in which it is proposed, making the best possible use of the land

available whilst taking into account scale, character, bulk, proportions and materials of the surrounding built environment, and ensuring that development would not result in a cramped appearance.

Living Conditions

10. As highlighted above, 11 and 15 Bickney Way are located to the north of the appeal site, the rear garden boundaries of which are shared with the northern side boundary of no 33, consequently, the appeal dwelling and the proposed extension would be at right angles to them. No 11 has a conservatory on the rear elevation, although that house is set further forward than no 15 which has a mature, thick conifer hedge and other vegetation within its rear garden boundary, adjacent to that of the appeal dwelling. Overall I consider that a reasonable degree of separation between these neighbouring dwellings and the proposed extension would be maintained.
11. Whilst I acknowledge that the proposal would bring two storey built form closer to the neighbouring dwellings, this would not be significantly so and on balance, I consider that it would not result in an overbearing form of development upon their occupiers. I therefore find that the proposal complies with Policies ENV22 and ENV32 of the Mole Valley Local Plan (2000) which require proposals to not significantly harm the amenities of the occupiers of neighbouring properties by reason of, amongst other things, an overpowering effect; and for extensions of houses to not be unduly prominent from neighbouring properties.

Conclusion and Conditions

12. For the reasons set out above I conclude that the appeal should succeed.
13. Other than the standard time limit condition, the Council has suggested a condition requiring external materials to be used in the construction of the extension to match those of the existing building and that the development be carried out in accordance with the approved plans. I consider these conditions necessary in the interests of preserving the character and appearance of the area.
14. In addition, the Council had recommended a condition removing permitted development rights with the installation of additional windows within the northern flank elevation of the proposed extension, and I consider that in the interests of protecting the privacy of the occupants of nos 11 and 15 that such a condition is necessary.

C J Tivey

INSPECTOR