



Appeal Decision

Site visit made on 15 January 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 07.02.2024

Appeal Ref: APP/L3625/D/23/3333364

12 Monks Road, Banstead, Surrey, SM7 2EP.

- 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 and Mrs Gorka against the decision of Reigate and Banstead Borough Council
 - The application Ref 23/01992/HHOLD, dated 25 September 2013, was refused by notice dated 14 November 2023.
 - The development proposed is for the demolition of existing conservatory and erection of a part single and part double storey rear extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory and erection of a part single and part double storey rear extension and garage conversion at 12 Monks Road, Banstead, Surrey, SM7 2EP in accordance with the terms of the application, Ref 23/01992/HHOLD, dated 25 September 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 12MR-100-A, 101, 102, 103, 104 and an unnumbered Location Plan at a scale of 1:1250.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of the occupiers of 10 Monks Road in terms of its potential to appear overbearing and imposing.

Reasons

3. The appeal property, 12 Monks Gate is a vernacular styled detached dwelling dating from the inter war years set in a relatively large garden plot.

4. The appellants propose the demolition of existing conservatory and erection of a part single and part double storey rear extension together with the conversion of the garage to a study and utility room.
5. From the evidence before me I understand that the Council's concern is that the proposed rear extension would have an overbearing presence when viewed from the rear windows and rear garden of number 10.
6. The Council has drawn my attention to the Reigate and Banstead Borough Council Supplementary Planning Guidance Householder Extensions and Alterations (Adopted March 2004) (SPG). The SPG is a material consideration, but it is only guidance, and it should not be applied to inflexibly to the exclusion of all other matters, including the physical circumstances and context of a site. From the SPG I note that, amongst other things, it recommends that single storey additions should not, in the case of detached dwellings project more than 3.5 metres from the rear elevation of the host dwelling.
7. In respect of the single storey element of the proposal I note that this would extend by an additional 1.65 metres or so further into the rear garden beyond the existing conservatory to be removed. Due to the setback of number 12 in relation to number 10, it effectively already extends to some 4.5 metres to the rear of number 10. Nevertheless, in my judgement, given the large rear garden of number 10, the orientation of the properties and the limited height of the new flank wall, only just higher than a typical suburban boundary fence, I am not persuaded that, in this case, the proposed single storey addition would appear significantly more overbearing than the existing conservatory, when viewed from either the rear garden or existing windows.
8. The first floor addition would project 3.0 metres from the rear wall of the host property, or when allowing for the setback, about 4.0 metres beyond the rear wall of number 10. Nevertheless, again given the size of the garden plots, orientation and as the hipped roof would rise up and away from the flank wall from the eaves level, I do not consider that the proposed first floor addition here would, as asserted by the Council, appear overbearing to the occupiers of number 10.
9. For the reasons above I do not consider that the well-mannered addition proposed would appear either so overbearing or imposing as to cause significant harm to the living conditions of the occupiers of number 10. It would therefore accord with the objectives of Policy DES1 of the Reigate and Banstead Local Plan-Development Management Plan (Adopted September 2019), Policy CS4 of the Reigate and Banstead Local Plan-Core Strategy (Adopted July 2014) and the guidance set out in the Council's Supplementary Planning Guidance-Householder Extensions and Alterations (Adopted March 2004) as they relate to, amongst other things, the protection of residential amenity.

Conditions

10. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
11. In the interests of certainty, I will impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

INSPECTOR

Philip Willmer