



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/23/3328427

7 Woodlands Gardens, Epsom Downs, Surrey, KT18 5US.

- 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 Paul Sharp-J T A Consulting against the decision of Reigate and Banstead Borough Council.
 - The application Ref 23/00919/HHOLD, dated 25 May 2023, was refused by notice dated 12 July 2023.
 - The development proposed is a 2 storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey rear extension at 7 Woodlands Gardens, Epsom Downs, Surrey, KT18 5US in accordance with the terms of the application, Ref 23/00919/HHOLD, dated 25 May 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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: 2214-100,101,01,02, 03,10,11 and 12.
 - 4) The extension hereby permitted shall not be occupied until the windows in the northern elevation at first floor level in the extension have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened, the windows shall be maintained as such thereafter.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of the occupiers of 6 Woodland Gardens in terms of the developments potential to appear oppressive and overbearing and result in overlooking leading to a loss of privacy.

Reasons

3. The appeal property, 7 Woodlands Gardens is a part two-storey, part single storey dwelling house with an integral garage and a conservatory addition. It is one of small number of properties within a small, gated development.
4. The appellant proposes a two-storey rear extension. It would be located about 1.3 metres or so from the common boundary to the neighbouring property number 6. Number 6 Woodlands Gardens is located to the north of the appeal property. It has a detached garage located between it and number 7. From the evidence I note that the distance between the flank walls of numbers 6 and 7 is some 13 metres. The garden of number 7 is laid out in a number of distinct areas to reflect the garden levels and maximise the private areas.
5. Due to the topography of the land number 7 is sited on higher ground than number 6. Accordingly, the side elevation of the proposed rear extension would be slightly elevated above the adjacent property. However, a flat roof, pitched fascia design is proposed for addition which would mean that it would not be as dominant as an extension with a full pitched roof.
6. On balance therefore, given the design of the extension, the layout of the garden of number 6 and based on my observations on site I am not persuaded that the proposed rear addition would appear either so overbearing or oppressive as to cause significant harm to the living conditions of the occupiers of number 6, as suggested by the Council.
7. The scheme design includes two first floor windows in the north elevation of the extension at first floor level. They would serve the proposed bedroom and dressing room. These would result in overlooking of the garden of number 6 leading to a loss of privacy.
8. I acknowledge that there is already a window in the north elevation of the host property, which has resulted in some overlooking of number 6. However, this window is set further away from the common boundary and does not directly overlook the rear garden as the proposed new windows would.
9. One of the two windows would serves a dressing room and therefore light and not outlook would be the principal consideration for this window, accordingly it could be fix fixed shut below 1.7 metres and obscure glazed. The proposed bedroom would have two windows and therefore I do not consider that fixing shut the window in the north wall below 1.7 metres and obscure glazing it would have a significant harmful impact on outlook as asserted by the Council.
10. I therefore conclude in respect of the main issue that the proposed extension would not cause harm to the amenity of the neighbouring occupiers by reason of being overbearing or appearing oppressive. Further, providing the two new first floor windows in the north wall are fixed shut below 1.7 metres and obscure glazed, matters that if I were to allow the appeal could be conditioned, the potential for overlooking leading to a loss of privacy would not result in harm to the living conditions of the occupiers of number 6 Woodlands Gardens.
11. The development would therefore accord with Policy DES1 of the Reigate and Banstead Local Plan-*Development Management Plan* (Adopted September 2019) and the Council's Supplementary planning Guidance-Householder Extensions and Alterations (Adopted March 2004) as they, along with other things, seek to protect residential living conditions.

Conditions

12. 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.
13. To maintain the private amenity of neighbouring occupiers I shall require the proposed first floor windows in the north elevation to be non-openable below 1.7 metres and obscure glazed.
14. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR