The Planning Inspectorate

Appeal Decision

Site visit made on 22 March 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/P3610/D/24/3337389
47 Briarwood Road, Stoneleigh, Surrey KT17 2LX

- 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 Tim Brett against the decision of Epsom and Ewell Borough Council.
- The application Ref 23/01347/FLH, dated 10 November 2023, was refused by notice dated 3 January 2024.
- The development proposed is the erection of a part two-storey and single-storey side and rear extension.

Decision

1. The appeal is allowed, and planning permission is granted for part two-storey and single-storey side and rear extension at 47 Briarwood Road, Epsom KT17 2LX in accordance with the terms of the application Ref 23/01354/FUL, dated 10 November 2023, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 324/OS/01 - OS Plan, 324/AE/01 Existing Plans and Elevations, 324/AE/02 Existing Block Plan and Photos, 324/PL/10 Proposed Plans and 324/PL/11 - Proposed Elevations.

    3) 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.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of No.49 Briarwood Road with regard to light.

Reasons

3. Many of the properties along Briarwood Road are of the same design, formed of semi-detached pairs with projecting bay windows to the front, a catslide roof to the side and a small, pitched-roof projection to the rear set away from the shared boundary. The appeal property maintains this original form; however, extensions, particularly flat roof dormers/side extensions, are prevalent along Briarwood Road. The Council has not raised any objection to the proposed development to the side of the property with their concerns restricted to the single-storey rear extension. From what I saw on site I have no reason to

disagree with the Council's assessment of these other aspects and therefore my considerations are primarily restricted to the rear extension.

4. Extending across the full width of the property the extension would abut the shared boundary with No.49. Nonetheless, the single-storey, flat roof form would have a limited projection above the boundary fence and the area immediately to the rear of the house is at a lower level than the rest of the garden. While there would be an infringement into a 45-degree line taken from the edge of the neighbour's window, this part of the extension reflects the depth and height of single-storey extensions allowed under permitted development rights[1]. The limitations for extensions on which the Council rely is guidance within the Council's Householder Applications: Supplementary Planning Guidance 2004 (SPG) and significantly pre-dates the 2015 GPDO. The extension as a whole exceeds permitted development rights, but I agree with the appellant in the context of the disputed element they provide an indication of the scale and form of permissible single-storey extensions.

5. From my observations on site and the information provided by the appellant, many properties in Briarwood Road have been extended to the rear up to the shared boundary; either infilling to the side of the rear projection or with new extensions which range in scale. Whilst each case is to be considered on its own merits, consistency in the application of guidance and policies is important, particularly where there is a replication of house type and layout along a street.

6. In my view, the depth and height of the proposed rear extension would not be of a scale that would significantly restrict light to the ground floor of No.49, which has patio doors set away from the boundary, and there is no specific evidence before me to indicate otherwise. The potential fallback of permitted development rights and the prevailing character of the area also add support.

7. I therefore conclude that the proposed development would have an appropriate relationship with No.49 and would not result in undue harm to the living conditions of the occupiers. The proposal would therefore accord with Policy DM10 of the Council's Development Management Policies Document 2015 with regard to the amenities of occupants and neighbours. Whilst the proposal does not accord with all the guidance in the SPG it would nonetheless reflect the general objectives of protecting neighbouring properties and respecting the character of the road.

Other Matters

8. The Council in their reason for refusal have also referred to section 15 of the National Planning Policy Framework (the Framework) which relates to conserving and enhancing the natural environment and is not of direct relevance to this proposal for extensions. With regard to my findings above, the proposal would, however, accord with the provisions within section 12 of the Framework in relation to high standards of amenity.

Conditions

9. In line with the statutory requirements and for clarity I have imposed standard conditions relating to the commencement of development and to require

[1] Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended. Part 1 of Schedule 2 Class A (GPDO)

compliance with the plans. Additionally in the interests of the appearance of the property a condition requires the materials to match.

Conclusion

10. For the reasons set out, and having regard to all other matters raised, the appeal is allowed.

G Ellis

INSPECTOR