



Appeal Decision

Site visit made on 27 March 2024 by C Glaister

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/L3625/D/24/3338706

35 Copley Way, Tadworth, Surrey KT20 5QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Raj Mistry against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/01127/HHOLD.
 - The development proposed is a first-floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor extension at 35 Copley Way, Tadworth, Surrey KT20 5QS in accordance with the terms of application Ref 23/01127/HHOLD 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: the Location Plan (25/05/2023), 252023/3A (29/08/2023), and 252023/4B (29/08/2023).
 - 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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The proposed plans were amended during the application process, and the proposal is now for a first-floor extension only. I have therefore used the description of development from the Council's decision and the appeal form in the header and decision above, as this most accurately describes the proposal.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 39 Vernon Walk, with particular regard to outlook and light.

Reasons for the Recommendation

5. No 35 is a detached two-storey property situated at the end of a cul-de-sac. There is a single-storey front and side extension on the eastern end of the property. 39 Vernon Walk is situated at the end of an opposing cul-de-sac. The rear of No 39 faces towards the eastern side-elevation of No 35 and No 39's rear garden is sited between the two dwellings.
6. No 39 has a spacious rear garden. There is a patio along the area outside the rear of the dwelling which continues around the southern edge of the garden and a large area of grass occupies the remaining space. The single-storey element of No 35 runs adjacent along much of the length of the rear boundary. There are large trees along the public right of way along one side boundary and a garden on the other side. The trees provide varying degrees of shade to the garden of No 39 depending on the season.
7. The existing trees and the dwelling at No 35 shade parts of the garden of No 39 during the middle of the day and into the afternoon, however the degree of shading will vary during the year due to the angle of the sun and the amount of leaf cover. The existing single storey element of No 35 will create some shading as it is significantly taller than the existing fence. Due to the width and overall size of the rear garden, the garden and rear ground-floor windows of No 39 receive daylight and sunlight.
8. Due to its greater height, the proposed extension would increase shading of the garden. However, this would not be significantly greater than the existing situation. Even if part of the garden would be in permanent shade, as has been suggested, because of the size of the garden and the size and location of the proposal, parts of the garden would not be affected. Consequently, the additional shading would not prevent or significantly harm the occupants' ability to use and enjoyment of the garden and ground-floor areas of No 39. The Council has also confirmed that the proposal would comply with the 25-degree daylighting guidance in the Council's Supplementary Planning Guidance Householder Extensions & Alterations (March 2004).
9. The existing dwelling at No 35 and its single storey element are clearly visible from the rear windows and garden of No 39, given their size and proximity to the boundary. There is already therefore a sense of enclosure due to the built form and trees along the boundaries. The height of the proposal would increase the amount of built form along the boundary and result in a modest reduction in outlook in that direction. However, the outlook to either side would be unchanged. The extension would be limited to the existing building footprint, with the hipped roof sloping away from No 39.
10. Consequently, although it would be a prominent feature in the outlook from No 39, given the size of the garden and the distance from the ground floor rear windows to the boundary, the extension would not be so large as to be unduly overbearing. The overall use and enjoyment of the garden as a whole would not be significantly affected.
11. Accordingly, the proposal would not harm the living conditions of the occupiers of 39 Vernon Walk with particular regard to outlook and light. It would therefore comply with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan (September 2019) which seeks to ensure development does not adversely impact upon the amenity of occupants of

existing nearby buildings. It would also accord with the SPG which supports local policy to prevent adverse impacts to amenity.

Other Matters

12. 41 Vernon Walk adjoins the appeal site but the existing dwelling would be between the garden of No 41 and the proposed extension. Although the extension would be visible from No 41, given the separation distance and intervening development it would not have a harmful, overbearing impact or result in significant shading of the garden of No 41. The new window first floor window proposed would serve a bathroom and be obscure glazed, therefore it would not lead to harmful overlooking of No 41. Therefore, the living conditions of the occupiers of that property would not therefore be harmed.
13. The overall size of the appeal property following the extension would not be unusually large for a family home and could be accommodated within the sizeable plot with an appropriate design and without loss of amenity space, parking or harm to living conditions. Therefore, it would not be overdevelopment of the site.
14. The proposal would not extend the footprint of the host dwelling, so would not increase surface water run-off. The reduced size of the extension means that it would be set away from the public right of way adjacent the site, so would not appear obtrusive from that path.

Conditions

15. Conditions relating to commencement of development and ensuring compliance with the plans are recommended in the interest of certainty. A condition regarding materials is recommended to protect the character and appearance of the host dwelling and the surrounding area.
16. The extension now proposed will not require groundwork and a condition to protect the root areas of adjacent protected trees would not therefore be necessary.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR