



Appeal Decision

Site visit made on 23rd May 2024

by Megan Thomas KC Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/L3625/D/24/3340268

41 Sandlands Road, Walton on the Hill, Surrey KT20 7XB

- 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 Dipeshkumar Patel against the decision of Reigate and Banstead Borough Council.
 - The application Ref.23/02273/HHOLD, dated 5 November 2023, was refused by notice dated 18 December 2023.
 - The development proposed is a "ground floor rear and side infill extension".
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Decision

1. The appeal is dismissed.

Costs

2. The appellant has made a costs application against Reigate and Banstead Borough Council. This is the subject of a separate decision letter.

Main Issue

3. The main issue in the appeal is the impact on the living conditions of the occupants of 43 Sandlands Road in relation to outlook and light.
4. The proposed extension, by virtue of the proposed depth, when considered together with the proximity to the boundary, would result in an unneighbourly, tunnelling impact which would be oppressive and result in unacceptable loss of outlook and light to the inset rear facing window of No. 43 Sandlands Road. The development is thereby contrary to policy DES1 of the Reigate and Banstead Development Management Plan 2019, Policy CS4 of the Core Strategy 2014 and the Householder Extensions & Alterations SPG 2004

Reasons

5. The appeal site is located on the south western side of Sandlands Road within a predominantly residential area. It is part of a terrace of dwellings. No.43 is to its north western side and no.39 to its south eastern side. It has a back-to-back two storey outrigger with no.39. There is a small rear 'porch' element at the main rear elevation giving access to the rear from the kitchen. There is a single step up onto the rear patio.

6. The proposed L-shaped extension would extend almost the full width of the rear garden infilling the existing gap between the common boundary with no.43 to a depth of about 6m from the main rear elevation. Its roof along the common boundary with no. 43 would be pitched with eaves at a lower height (at about 2.4m) than the main flat roof of the proposed rear extension. On the common boundary with no.39 the extension would extend about 1.7m in depth. Its width would be about 3.8m.
7. There is permitted development prior approval for a rear side infill extension, maximum height 3m, height at eaves 2.7m and extending 4.29m beyond the main rear wall (ref.23/01929/PDE dated 24 October 2023). I consider there is a real prospect of this development taking place if the appeal is dismissed and consequently, I have treated it as a fallback development.
8. No.43 Sandlands Road has a two storey rear element which is back to back with one at no.45. 43 has a single storey structure at the rear of this element. It has a window serving its kitchen along the side elevation of the two storey rear element which looks onto the appeal site. There is also a second small window in this elevation. It has a glazed rear door with side window and overhead horizontal window in its main rear elevation at ground floor level serving a dining room. This is about 2.4m high. The common boundary with no.43 includes a fence and a hedge.
9. Given the depth and eaves height of the proposal along the common boundary with no.43, the occupants of no.43 would experience a significant sense of enclosure when in their dining room. The proposed development would be unduly oppressive and there would be a tunnel-like effect. In coming to this view, I have borne in mind the impact of the existing hedge and the likely impact of the fallback development, acknowledging the latter's higher eaves height. It is the combined impact of the height, depth and close proximity of the proposal which I consider to be cumulatively worse in terms of outlook than the fallback development or the hedge.
10. Bearing in mind the likely impacts of the fallback development, I am not persuaded that loss of daylight or sunlight to no.43's dining room resulting from the proposed development would be materially worse than the impacts of the fallback development. I do not consider that the loss of daylight or sunlight would be sufficient to sustain a reason for refusal on that basis.
11. No 39 Sandlands Road has a rear window and patio door at ground floor level facing its garden. I do not consider that the occupants or future occupants would suffer from unacceptable loss of outlook or light or unacceptable harm to any other residential amenity from the proposed appeal scheme given the modest depth of the proposal along the common boundary.
12. Whilst I have not found that there would be unacceptable loss of light to any immediate neighbouring occupant or future occupants from the proposal, I have found that there would be unacceptable loss of outlook for the occupants and future occupants of no.43 Sandlands Road. This identified harm is sufficient in itself to warrant refusal of planning permission and the benefits to the appellant of having additional living space do not outweigh that harm.
13. I conclude, therefore, that the proposed development would result in unacceptable living conditions for the occupants and future occupants of no.43 Sandlands Road by reason of loss of outlook. In relation to that, I conclude

that the proposal would be contrary to policy DES1(5) of the Reigate and Banstead Development Management Plan (adopted 2019) and the Householder Extensions & Alterations Supplementary Planning Guidance (2004).

Conclusion

14. Accordingly, having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR