



Appeal Decision

Site visit made on 13 August 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5TH September 2024

Appeal Ref: APP/L3625/D/24/3345764

6 Windmill Drive, Reigate RH2 0JP

- 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 Alastair Jones against the decision of Reigate & Banstead Borough Council.
 - The application Ref is 22/02133/HHOLD.
 - The development is retention of new fence and retaining wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the application forms describe the development as 'retention of new fence and retaining wall', the forms indicate that the development had been started but not completed at the time of the application. The Council has considered the application as seeking permission for development as already undertaken.
3. However, and as subsequently clarified with the Council after the appeal site visit and as noted from the information before me, a revised plan was submitted to show a proposed staggering of the fence height, with a lowering in height of the panels towards the far end of the garden. This revised plan is listed on the decision notice.
4. My decision is therefore based on the plans as determined which includes for a proposed alteration to the fence as erected. The development is therefore considered as a proposed development in view of the submission of a proposed amendment to the fence as erected.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbours at No 4 Windmill Drive, with particular regard to outlook.

Reasons

6. The appeal property is a mid-terraced property on the north side of Windmill Drive with a modest rear garden and within a predominantly residential area. The house is on sloping land so that the appeal property sits on higher ground

than the property to the east at No 4, but at a lower level than the property to the west at No 8.

7. There is a difficult balance, particularly where garden sizes are modest to secure appropriate boundary treatments to ensure appropriate privacy for the occupants of the host property as well as the occupants of neighbouring properties, without resulting in a material loss of outlook for the adjoining neighbours. This is particularly complex in such situations as before me, given the changes in levels between neighbouring properties and that each house appears to have a different relationship between the interior of the house and the external rear space, in terms of heights of internal floors and external space, as well as in the layout of the external space. Whilst I have been provided with some information about the history of the boundary treatments as well as photographs, the full history and timings are not completely clear. However, it appears that the existing boundary treatment at the adjoining property at No 4 has been in existence for a number of years.
8. Whilst I appreciate the appellant's family reasons for seeking to ensure a safe environment for their external space, as well as maintain privacy, I consider that the height of the fence, when account is taken of the raising of the levels, and even taking into account the revised proposals to stagger the height towards the rear of the garden, would be overwhelming and oppressive for the neighbours at the lower level at No 4, both from within their rear garden as well as from windows at the rear of the property. I have taken account of the changed alignment of the fence but do not consider this outweighs the harm I have concluded from its height. The living conditions of the neighbours at No 4 would be materially harmed because of the height of the fence as proposed.
9. I therefore conclude that the proposed development would materially harm the living conditions of the neighbours at No 4, with particular regard to outlook and sense of enclosure. This would conflict with Policy DES1 of the Reigate and Banstead Development Management Plan and paragraph 135 f) of the National Planning Policy Framework, both of which amongst other matters, seek a high quality of design which respects the amenities of existing and future occupiers.
10. I have taken into account all the family reasons for the development as undertaken and proposed as well as the efforts to liaise with the neighbours, but these do not outweigh the harm I have concluded to the neighbours' living conditions.
11. A number of non-planning related matters have been raised in representations, but my decision is based solely on its planning merits.

Conclusion

12. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR