



Appeal Decision

Site visit made on 16 September 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/L3625/W/24/3336283

15 The Parade, Brighton Road, Burgh Heath, Surrey KT20 6AT

- 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 Marc Arnell against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/02204/F.
 - The development proposed is first floor extension above existing ground floor retail stock room to form one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the existing occupants of No.14a The Parade, with regard to privacy of a bedroom.

Reasons

3. The part of the appeal site where the development is proposed is behind No.14 The Parade (the site). It is a large flat-roofed rear extension associated with a retail premises in a terrace at the front, offset to the side at No.15; one of a number of such premises in a local shopping parade facing Brighton Road with flats over each of two floors above. The proposed single-storey one bedroom, one person dwelling would be constructed over the end of the extension, mainly in an almost square part of it. It would face the opposing elevation of the first floor flat at No.14a, which includes a wide bedroom window.
4. Access and egress to the front door from ground level would be by an existing metal staircase which serves No.14a and an adjoining flat No.12a (as well as the two equivalent flats 14b and 12b above). However, future occupants would have to walk across the residual part of the roof of the ground floor extension to and from these stairs. On exit from the front door, there would be only a 6m or so separation distance, with a rapidly reducing direct, level view into most of the bedroom, including from almost next to it in front of the window. On return, and once on the extension roof, future occupants would have their back to this bedroom window. However, while on the staircase landing they would have a short distance angled view through the window into part of the bedroom before turning onto the extension roof.
5. Even if this is not the only bedroom in No.14a, users of this main habitable room would experience an unacceptable degree of perceived and actual

restriction on normal domestic use and activity within it, including of a personal nature such as undressing or dressing and it could be used by children. Blinds or curtains would need to be drawn even during the day, or as well the window left closed to guard against unexpected intrusion, largely without warning from the dwelling in separate use and occupation to No.14a in such close proximity. This in itself would result in disproportionate reliance on artificial lighting and lack of satisfactory outlook or natural ventilation, so would not be appropriate mitigation. Protecting the living arrangements of existing occupants, conducive to normal expectations, should be an aim of good design in new residential development from the outset. This consideration has substantial weight against the proposal.

6. As part of the appeal, the appellant suggested two alternate access options, one oversailing land edged blue in the submitted plans, so also owned by the appellant. In each a 1.1m high guardrail across part of the extension flat roof would deter future occupants of the dwelling from straying into the more direct line of sight of the bedroom window or 'pass by' it. However, it would not be a sufficiently tall or solid enough structure to prevent still almost as intrusive views towards the bedroom window from the part of the flat roof or 'bridge link' that future occupants would still have to walk across. Though Figure 2 would give a better outcome in this respect than Figure 1 (because of the more distant alignment of the guardrail) it would not be significantly better and neither would provide satisfactory mitigation or overcome this fundamental adverse impact.
7. I have not been informed if the 'rear first floor extension with roof terrace & projecting balcony' at No.16 The Parade, granted permission by the Council¹ and built, is for an extension to an existing flat or a separate self-contained unit of living accommodation. Nevertheless, it connects to the respective part of the first floor elevation of the terrace so there is no 'gap' between it or similar rear facing window (as at No.14a), let alone to a bedroom. A first floor entrance door is also orientated away from this part of the terrace. This development is therefore not directly comparable and does not justify the appeal proposal.
8. Taking all the above into account, I find that the proposal would harm the living conditions of the existing occupants of No.14a The Parade, with regard to privacy of a bedroom. Consequently, it is contrary to Policy DES1 of the Reigate and Banstead Development Management Plan September 2019. This policy includes that development should not adversely impact on the amenity of occupants of existing nearby buildings, including by way of loss of privacy.

Other Matters

9. The proposal would be in a location where new residential development is otherwise supported by the Council's development plan, would provide satisfactory internal and external living conditions and be energy and water efficient. This would be aligned with objectives of the National Planning Policy Framework (NPPF) to significantly boost the supply of new homes to meet peoples living needs and manage the effects of climate change. It would also generate a Community Infrastructure Levy payment to the Council. The single, small dwelling would make a modest contribution in these regards, so these benefits have limited weight in favour of the appeal. The NPPF also promotes

¹ 19/00191/F

well-being and a high standard of amenity for existing users, consistent with the Council's objectives for Policy DES1.

Conclusion

10. The proposal conflicts with the most relevant development plan policy and the public benefits do not outweigh the harm. There are no other material considerations in this case, including relevant provisions of the NPPF, to indicate that the decision should not be made other than in accordance with the development plan taken as a whole².
11. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

² Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and NPPF paragraph 12