



Appeal Decision

Site visit made on 23 October 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2024

Appeal Ref: APP/L3625/D/24/3349374

5 Colman Way, Redhill RH1 2BB

- 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 S Satheeswaran against the decision of Reigate and Banstead Borough Council.
 - The application Ref 24/00832/HHOLD, dated 2 May 2024, was refused by notice dated 27 June 2024.
 - The development proposed is described on the application form as "New part two storey part single storey rear/side extension and front porch".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 3 Colman Way, with particular regard to whether the development would appear overbearing.

Reasons

3. The appeal concerns a two storey semi-detached dwelling where there is an existing permission for a two storey side extension. This would project relatively near the boundary with the adjacent dwelling at 3 Colman Way. This development has not been constructed but the appeal scheme would extend to the flank in a similar manner. It would also project rearwards at two storey height and it is the acceptability of this part that is disputed.
4. There would be no unacceptable effect with regard to the windows at the neighbouring house due to factors that include matters such as distance from the development and the non-habitable accommodation served by some of these openings. The rear projection would have a hipped end with the eaves and ridge set below those of the extended main roof. The rear facing upper floor windows would be partly set above eaves level. It would also have a fairly minimal set-back from the end of the new flank wall.
5. However, despite these matters it would, according to the Appellant, project 3 metres beyond the rear of the enlargement to the side. Because of this depth and the eaves height being only fairly modestly below that of the host dwelling, it would create significant additional bulk from the vertically rising, solid flank

wall and the roof above. Moreover, it would do so in fairly close proximity to the angled side garden boundary. It would also be at a significantly higher level than the adjacent amenity space. As a result, the development would cause a fairly unpleasant and oppressive sense of enclosure so that it would appear overbearing.

6. The rear extension would significantly increase the depth of the property facing the side boundary to no 3 beyond the gable end of the dwelling. The appeal scheme would therefore have a noticeably more adverse impact on the outlook from the adjoining garden than the previously approved side extension which would be set against the backdrop of the gable end of the host dwelling.
7. The Appellant indicates that the adjacent garden is about 20m deep with an average width of 9m. However, the unacceptable impact would occur in relation to an area relatively near the rear of the dwelling. This is likely to be the part most heavily used by occupiers and therefore most important to the quality of their environment. Moreover, the increased sense of enclosure and dominance would be apparent from much of the garden when looking towards the rear addition which would not have a limited effect on a small part. I do not therefore accept that the garden is so wide or large that it would significantly limit the impact.
8. It is concluded that the two storey rear addition would appear overbearing and unacceptably dominant so that the living conditions of the occupiers of the adjacent dwelling would be harmed. In consequence, the proposal would be contrary to Reigate & Banstead Local Plan Development Management Plan 2019, Policy DES1, which intends to prevent such adverse effects.
9. The effect on the living conditions at the attached dwelling, no 7 Colman Way, would be acceptable given the fairly modest scale and size of the single storey part proposed next to it. The design and appearance of the development would also be appropriate. However, the acceptability of matters such as these are neutral factors that weigh neither for nor against the appeal. It is acknowledged that the scheme is an attempt to address the reasons a previous proposal was rejected. However, this does not, in itself, confer acceptability and I have considered this appeal on its own merits.
10. Due to the harm that I have found and taking account of all other matters raised, the appeal is dismissed.

M Evans

INSPECTOR