



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: 07 November 2024

Appeal Ref: APP/M3645/D/24/3349387

Duffers, 5 West Hill Bank, Oxted RH8 9JE

- 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 R and K Lewis, against the decision of Tandridge District Council.
 - The application Ref TA/2024/107, dated 31 January 2024, was refused by notice dated 7 June 2024.
 - The development proposed is described on the application form as "The proposals include extending the existing annexe at ground floor to the front, and adding a roof extension to provide a partial first floor. An internal staircase will link the two floors together along with a glazed bridge to link the annexe and main house at the first floor".
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Preliminary matters

1. On the appeal form and decision notice the same description of development is used. This is more concise than that given on the application form and I have used this in the decision below.
2. Different names for the property at the appeal site are used in the documentation before me. However, that used by the Council and on the appeal form is the same and it is this that I have used in my decision.

Decision

3. The appeal is allowed and planning permission is granted for the erection of single storey front extension to the existing annexe and roof extension to provide a partial first floor, an internal staircase will link the two floors together along with a glazed bridge to link the annexe and main house at the first floor, at Duffers, 5 West Hill Bank, Oxted RH8 9JE, in accordance with the terms of the application, Ref TA/2024/107, dated 31 January 2024, 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: 0133-SK-001 Rev P1, 0133-SK-109 Rev P3, 0133-SK-302 Rev P4, 0133-SK-110 Rev P4, 0133-SK-111 Rev P4, 0133-SK-203 Rev P4, and 0133-SK-204 Rev P3.

- 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 dwelling.
- 4) Prior to occupation of the development hereby approved, the rear elevation of the bridge linking the annexe and house and facing 4 Farley Park shall be fitted with obscure glazing to accord with Pilkington Glass level 3 or above, or equivalent and thereafter be retained in accordance with these details.
- 5) Prior to occupation of the development hereby approved, the first floor side facing window shown on the plans hereby approved that would serve a bathroom shall be fitted with obscure glass to accord with Pilkington Glass level 3 or above, or equivalent and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter be retained in accordance with these details.

Main issue

4. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 4 Farley Park, with regard to whether the development would appear overbearing.

Reasons

5. The appeal concerns a detached two storey dwelling where there is a separate flat roofed single storey annexe. This would be extended at ground floor with a first floor added, while also being joined to the host dwelling by a glazed link.
6. During my site visit I was able to assess the impact of the proposal from the neighbouring dwelling at 4 Farley Park where there are windows in the adjacent elevation facing towards the appeal site. There is also an outside amenity area that is alongside the boundary, which is clearly important to the quality of the environment for adjacent occupiers. The upper floor addition would be seen from inside and outside the property. However, this is not evidence of a detrimental impact and a change in the view would not, in itself, justify rejecting the appeal.
7. The upper floor of the development would, according to the Council, be 14m from the neighbouring dwelling. Moreover, the enlarged annexe would have a flat roof and be at an appreciably lower ground level than the neighbouring property. These factors, taken together, would significantly limit the perceived bulk and visual impact of the addition.
8. In consequence, there would be no undue sense of enclosure, visual intrusion or domination impacting the outlook. Matters such as the height, size, design and siting of the addition would be acceptable. As a result, the development would not appear overbearing.
9. It is therefore concluded that the living conditions of the occupiers of the adjacent dwelling would not be harmed. For similar reasons there would be no unacceptable reduction in light levels at the neighbouring property. There would be compliance with Policy CSP 18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014,

which taken together and among other things, seek to prevent such adverse effects.

10. There would be no conflict with the National Planning Policy Framework where it is indicated that decisions should satisfy a number of considerations. These include that the proposed development should create a high standard of amenity for existing users, which would be satisfied for the reasons given.
11. A condition could be imposed to require the rear of the glazed link to have obscured glass. This would protect the privacy of the occupiers of the adjacent dwelling at 4 Farley Park. Given the contemporary character of the host dwelling, the glazed link would be an appropriate design feature.
12. The planning history of the site is noted and, in particular, a previous scheme that was rejected following an appeal. However, the current proposal can be distinguished from this as it would be set appreciably further back from the boundary with the adjacent dwelling. It is suggested in representations on the application that alternative schemes would be acceptable. Nevertheless, I must decide this appeal having regard to the plans that were considered by the Council.
13. Taking account of all other matters raised, given the absence of any harm it is determined that the appeal succeeds. As well as that referred to above, a condition specifying the approved plans is necessary to provide certainty. The facing materials used should match those of the existing dwelling in order to protect its appearance. The side first floor bathroom window should have obscured glazing with its opening restricted. This is necessary to protect the privacy of the occupiers of adjacent dwellings.

M Evans

INSPECTOR