



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: 15 November 2024

Appeal Ref: APP/L3625/D/24/3352238
67 Nutley Lane, Reigate RH2 9HP

- 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 and Mrs Wilmshurst against the decision of Reigate and Banstead Borough Council.
 - The application Ref 24/00893/HHOLD, dated 9 May 2024, was refused by notice dated 2 August 2024.
 - The development proposed is a ground floor rear extension.
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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 69 Nutley Lane, with particular regard to whether the development would appear overbearing.

Reasons

3. The appeal concerns a two storey mid terrace dwelling that is attached to the property at no 69. These both have two storey rear outriggers that leave a relatively narrow area between the sides of these and the mutual boundary separating the dwellings. The adjacent property has a fairly large flat topped workshop in a different ownership that is especially close to the rear of the outrigger.
4. As a result, the useable private amenity space is particularly limited in extent comprising a strip between the boundary fence and the outrigger and workshop. Moreover, the single storey workshop has three windows directly facing that part adjacent to it. As a result, the space between the outrigger and fence makes the most important contribution to the quality of the external environment for adjacent occupiers as it is not subject to such intrusive overlooking.
5. There is currently an appreciable degree of enclosure and dominance from built form at no 69 arising from development such as the adjacent workshop and fence. However, rather than providing grounds for accepting further development, together with the above factors, this makes the quality of the

environment for neighbouring occupiers especially vulnerable to additional built form that would increase the sense of enclosure.

6. The proposed addition would infill the space to the side of the outrigger at the appeal site. It would be single storey in height with a mono-pitched roof sloping down to abut the boundary. With an eaves level of 2.3m it would clearly be higher than the existing boundary treatment. The flank of the extension would form a particularly intrusive presence, given its height and solid brickwork. Although sloping down towards the boundary, the top of the extension would further add to the sense of enclosure, rising up to 3.3m in height. The addition would also extend to the end of the outrigger for a depth of over 5m.
7. In the specific context described above and given factors such as its depth, height and proximity, the extension would result in an unacceptable increase in enclosure and dominance of built form. The fairly oppressive nature of this would be readily apparent from the dining room and kitchen windows in the side of the neighbouring house, as well as the particularly important outside space immediately next to the addition. Moreover, the relative narrowness of the amenity space would give rise to a tunnelling effect over and above any current impact in that regard.
8. It is concluded that the rear extension 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 and the Council's Supplementary Planning Guidance, Householder Extensions and Alterations, March 2004, which both intend to prevent such adverse effects.
9. In the National Planning Policy Framework 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 not be satisfied because of the harm I have found.
10. It is pointed out that the appeal scheme is the same as that previously approved by the Council at 63 Nutley Lane. Nevertheless, there is nothing to show that the approved extension would have been next to an amenity space comparable in its size and configuration to that which is such an important consideration in this instance. This single case would not therefore justify allowing the appeal, which I shall consider on its own merits.
11. It is indicated that under permitted development (PD) rights a single storey extension could be built, with an illustration of this showing a mono-pitched roof. It is said that this would have a maximum height of 3m to the eaves and up to 4m to the top with a depth of 3m. Although taller, it would therefore have a noticeably lesser depth than that the subject of this appeal. Taken as a whole, it would not therefore have any greater adverse visual impact on the living conditions of the adjacent occupiers.
12. For similar reasons, there would be no appreciably greater loss of light from the PD addition. The form would be fairly similar to the appeal scheme so that in design and appearance terms there would be no significant difference. Bearing in mind matters such as these, allowing this appeal would not result in the possibility of preventing an alternative development from proceeding that

would be significantly more harmful. Because of this no meaningful weight in favour of the appeal can be afforded to this matter.

13. The proposal would improve the quality of the accommodation, contributing to meeting the needs of the Appellants and their family. It is also indicated that this would enable them to stay in the Borough. While this matter should be afforded some weight, in the circumstances of this case it would be achieved at the unacceptable expense of the living conditions of the occupiers of the adjacent dwelling.
14. It is indicated that the energy efficiency of the property would be improved. However, no technical evidence on this matter has been provided that might clarify the extent of any improvement. Acceptability in respect of matters such as character and appearance, materials, the privacy of occupiers of no 69 and the living conditions of the occupiers of other nearby properties are neutral factors that weigh neither for nor against the appeal.
15. It is pointed out that the Appellants have previously held discussions with the adjacent residents. It is also suggested that materials could be used in the side of the extension that would face no. 69 to meet the preferences of the adjacent occupiers. However, these matters do not confer acceptability and I must, in any case, consider the application as submitted where it is indicated that the materials in the wall would match those of the existing dwelling. I have also had regard to the submitted lighting assessment but this does not alter my view.
16. Due to the harm that I have found and taking account of all other matters raised, the appeal is dismissed.

M Evans

INSPECTOR