



Appeal Decision

Site visit made on 11 February 2025

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/L3625/D/24/3356126

Lantern House, Warren Drive, Kingswood, Surrey, KT20 6PT.

- 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 Paul Clarke against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/01072/HHOLD.
 - The development proposed is described as *alterations to windows on rear elevation, reinstate previously approved window in side elevation, add an additional dormer window to rear of roof. Demolition of existing detached outbuilding and garage, erection of single storey side and rear extension with part basement and accommodation with roof space above garage.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. From the Council's evidence I note that the proposed development is similar to a previously approved scheme (23/00613/HHOLD) and therefore it has no objection to the proposed side garage enlargements in so far as they reflect what was previously approved. Further, it raises no objections to any demolition works required, the intended alterations to rear windows, the proposed reinstatement of a side window, or the proposed rear dormer. Accordingly, while my decision will be made on the scheme proposal taken as a whole, my deliberations shall focus upon the merits of the proposed rear extension. This is reflected in the wording of the appeal's Main issue.

Main Issue

3. The effect of the proposed rear extension on the character and appearance of the area.

Reasons

4. Lantern House is a substantial three storey detached house dating from the late 1990's. It is set in a large mature garden plot. It is part of a low-density residential estate within The Warren and The Glade Residential Area of Special Character (RASC).

5. The area is characterised by an eclectic mix of large dwellings set in spacious landscaped grounds with a predominance of trees and hedges. As identified by the Council there are three mature oak trees within the rear garden of the Lantern House subject to a Tree Preservation Order (TPO).
6. Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan (adopted September 2019) (LP): requires, along with other things, that the design of new development promotes and reinforces local distinctiveness and respects the character of the surrounding area, including positive physical characteristic of local neighbourhoods, and has regard to the layout, density, plot size, building siting, scale, massing, height and roofscapes of the surrounding areas, as well as the relationship to neighbouring buildings.
7. LP Policy DES3 particularly addresses development in RASCs. This policy requires, amongst other things, that the height, depth, elevations, scale and massing of development respects the form of neighbouring buildings and the character of the RASC; that proposed development (including garages and other ancillary buildings) does not result in a harmful erosion of the spacing between buildings or lead to an over-dominance of the built form within the plot; that soft and hard landscaping is sensitive to the plot, its setting and prevailing plot boundary characteristics.
8. My attention has also been drawn to the Reigate and Banstead Borough Council RBBC Local Character and Distinctiveness Design Guide Supplementary Planning Document (Adopted June 2021) (LCDDG). While the LCDDG is general guidance and individual circumstances of each development will be taken into account when assessing planning applications, the guidance suggests that, along with other things, at paragraph 12 page 42, that depth of footprint should not exceed the general pattern in the street and be set back or recessed from the side to provide articulation and break the length of the elevation.
9. This single storey stepped flat roof addition would extend some 46 metres beyond the rear wall of the dwelling. The structure would terminate on the same line as the end wall of the existing single storey detached garden building to be removed. When taken together with the garage and earlier approved side additions, the enlarged extension would extend virtually the full depth of the plot, front to back and not be of insignificant width. An overdominance of built form within the plot would thus ensue. Moreover, the footprint/scale of the enlargement would be disproportionate to the host property and fail to satisfactorily reflect the low-density urban grain that is observable locally. I come to these findings whilst acknowledging that visibility of the rear portion of the site is constrained.
10. Further, whilst the proposal allows for the retention of the existing high mature hedge to the southeast boundary with the neighbouring dwelling, a harsh urbanisation along this boundary would prevail due, in-part, to the excessive depth of the proposed extension. Moreover, the extension would effectively screen the boundary hedge at immediate proximity so as to lessen its albeit modest and localised contribution to the leafy character of the area.
11. I therefore conclude that to allow the development would be contrary to the aims of LP Policies DES1 and DES3 along with the advice set out in the LCDDG as they relate, amongst other things to the quality of development and the

protection of the character and appearance of The Warren and The Glade RASC.

Other Matters

12. I understand from the appellant's evidence that three separate Certificate of Lawful Development applications have been submitted to the Council for determination, in the interests of seeking to demonstrate that comparable development could be considered under permitted development rights as a fallback position in the event this appeal is unsuccessful. Such proposals include the construction of a new outbuilding either alongside or in replacement of the existing outbuilding located at the rear of the site.
13. However, I have not been advised of the outcome of those applications such that no certificate of Lawfulness is before me to formally confirm the appellant's ability to utilise permitted development rights in the manner potentially intended. It is also relevant that no detailed proposed floor plans are before me to assist in clearly demonstrating a genuine intention to implement any fallback position offered via the permitted development rights being relied upon.
14. Furthermore, from the information submitted none of the alternative proposals are identical to that proposed here, in respect of design, three-dimensional form, massing or height. For example, in one of the proposed scenarios where an outbuilding of similar overall height has been illustrated, it would be served by a dual-pitched roof as opposed to being of principally flat-roofed design (as is the case with the appeal proposal). Thus, it has not been clearly established that any possible fallback position would have either a greater or directly comparable adverse effect upon the character and appearance of the area.
15. Accordingly, for the above reasons, I ascribe limited weight to the fallback schemes that have been outlined. Moreover, the proposal that is before me for determination conflicts with the development plan when read as a whole and material considerations (including from a fallback perspective) do not lead me to a decision otherwise.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR