



Appeal Decision

Site visit made on 17 March 2025

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/L3625/D/25/3358678

10 Garlichill Road, Epsom Downs, Surrey KT18 5UB

- 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 Ammar Alromani against the decision of Reigate and Banstead Borough Council.
 - The application ref. is 24/01179/HHOLD.
 - The development sought is "landscaping to flatten the existing slope of the rear garden and provide an enlarged terrace level with the ground floor of the house and an interim mid-garden level terrace."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the hard landscaping works had (mainly) already taken place. This has not altered my approach to determining the appeal on its own merits.

Main Issue

3. The main issue in the appeal is the effect of the development on the living conditions of the occupants of no.8 Garlichill Road with regard to privacy and overlooking.

Reasons

4. The appeal site is a detached bungalow on the west side of Garlichill Road. It has a long rear garden which rises upwards towards the west. No.8 Garlichill Road is a detached bungalow next to the appeal site to its north. It too has a rear garden. Both properties are set back from the road. No.8 sits at a slightly lower level than no.10.
5. The works done include the creation of a terraced rear garden area with a flat patio nearest the rear of the dwelling, which leads up to another flat and soft landscaped area via steps, and then there are further steps to the grassed sloping garden at the western end of the plot. There are sizeable retaining walls in place in order to support the mid terrace.
6. The rear of no.8 Garlichill Road has two external doors, two ground floor windows, a small rear facing dormer window and a patio with garden furniture. When standing near the north east front corner of the mid-terrace, there are

uninterrupted clear views of all those elements of 8 Garlichill Road, owing to the elevated viewpoint at the appeal site. I was able to confirm this on my site visit. I consider that the loss of privacy, particularly for occupants of no.8 when in the ground floor room nearest the common boundary and when on the rear patio, is severe. I have considered if improved boundary treatment on the appeal site (including planting) could satisfactorily ameliorate the loss of privacy (and in doing so I have to bear in mind that an undue sense of enclosure for the occupants of no.8 should be avoided). Having considered this, I have come to the view that improved boundary treatment would not, overall, reduce the harm to an acceptable level or bring satisfactory living conditions for the occupants of no.8.

7. From all the evidence before me, I have concluded that overlooking from the north east mid terrace area of the appeal site has increased over and above what would have been possible prior to the works taking place. I am not persuaded on the evidence that reductions which have taken place elsewhere in the appeal site garden levels are sufficiently beneficial to outweigh the clear harm to privacy that is currently caused by overlooking from the north east area of the mid-terrace.
8. In coming to my decision, I have borne in mind that the development which has taken place will provide a safer and more usable rear amenity area than previously existed for the occupants of no.10. However, those benefits taken together do not outweigh the harm I have identified above.
9. I conclude, therefore, that the proposed development results in unacceptable harm to the living conditions of the occupants of no.8 Garlichill Road by reason of loss of privacy and undue overlooking. Policy DES1(5) of the Reigate and Banstead Local Plan Development Management Plan (adopted 2019) and advice in the Householder Extensions and Alterations Supplementary Planning Guidance (2004) have been breached.

Conclusion

10. Having considered all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.
Inspector