



Appeal Decision

Site visit made on 4 August 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 AUGUST 2025

Appeal Ref: APP/C3620/W/25/3364867

204 - 206 Barnett Wood Lane, Ashted KT21 2DB

- 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 Daniel Morris against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0105/PLA.
 - The development proposed is infill roof extension with two rear dormers and rooflights to form enlarged first floor flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 2B Glebe Road (2B), with particular regard to privacy.

Reasons

3. There is a modest detached dwelling (2B) situated to the rear of 204-206 Barnett Wood Lane (204-206) which is a first floor flat above commercial premises. The rear elevation of 2B is approximately 20 metres from the rear elevation of 204-206. The proposal would add an additional floor of accommodation to the flat but would not increase the density of development on the site. There would be no change in the number of bedrooms at the property, and I have no evidence the number of occupiers would increase, but the existing accommodation would be more spacious.
4. The garden of 2B is currently overlooked from the first-floor windows of the flat. The rear elevation of 2B also contains French doors opening out onto the rear garden. There is screening between the dwellings in the form of trees, however, whilst these provide good screening in the summer months, when the leaves drop the screening would be less effective and would leave the rear garden and the rear elevation of 2B more exposed to overlooking. The screening does not appear to be within the control of the applicant therefore its retention to protect the privacy of the occupiers of 2B cannot be guaranteed.
5. The two dormers proposed in the roofspace on the rear elevation of 204-206 would serve bedrooms which are not considered habitable rooms, nevertheless the windows would increase the number of opportunities to overlook the rear of 2B and from an additional height. It is noted the dormers would not extend the footprint of the building or bring windows closer to the boundary. The additional height and windows would however afford the occupiers of the proposed

development increased opportunities to view the rear garden and rear elevation of 2B and from a higher angle. Whilst the proposal would not introduce new overlooking, there would still be an increase in overlooking and the perception of overlooking to the occupiers of 2B. The additional windows and height from which overlooking would take place would increase the loss of privacy to the occupiers of 2B when using their rear garden and rooms in the rear elevation.

6. The separation distance between the proposal and 2B would be akin to typical back to back distances seen on new developments, however, the space to the rear of 204-206 is shallow and approximately 4.5m deep, therefore the majority of the space to the rear of 204-206 is the garden for 2B which is the main outdoor amenity space for the property. The effect of the proposal on overlooking to the rear garden of 2B would be more intense than the back-to back distances would indicate due to the uneven garden lengths. The increased height of the dormers would also allow a sharper angle within which to view the rear garden of 2B from.
7. In conclusion, the proposed development would cause an increase in loss of privacy to the occupiers of 2B when using the rooms in the rear elevation of the property and the outdoor amenity space and would be contrary to Policy EN4 of Mole Valley Local Plan 2020-2039 which seeks to ensure development does not significantly affect the amenity of residents occupying properties in the surrounding area, with specific reference to overlooking.

Other Matters

8. My attention has been drawn to the previous appeal (APP/C3620/W/16/3157456) (3157456) on the site for a loft conversion and alteration to create two flats which was dismissed at appeal. I have not been provided with full details of the appeal, however, it appears to be for a fundamentally different scheme to this appeal and I am therefore unable to make any meaningful comparison between the two.
9. I note a new application on this site has been submitted. The new application would have no bearing on my decision as I am determining the appeal based on the information submitted with the appeal and each case is determined on its own merits.

Conclusion

10. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR