



Appeal Decision

Site visit made on 4 March 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2026

Appeal Ref: APP/C3620/D/25/3375925

5 The Smithers, Brockham, Surrey, RH3 7LF

- 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 Michaela Fairbairn against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/02355.
 - The development proposed is a single storey rear extension to replace existing outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (a) the character and appearance of the building and area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

3. Policy EN4 of the Mole Valley Local Plan 2024 (MVLP) requires new development generally to be a high-quality design that respects, contributes to and enhances the local environment and character. More specifically the relationship between existing and new built development and features, should be of an appropriate scale, height, mass proportion and form.
4. The Council's 2025 'Design Guidance for House Extensions and Outbuildings' Supplementary Planning Document (SPD) sets out a number of guiding design principles, including that the size of the extension should not be excessive in relation to the existing house and that extensions which detract from the overall shape and style of the original building will not normally be acceptable. Flat roofs are not encouraged.
5. The existing dwelling is a two-storey mid terrace building. It is located within a cul-de-sac of similarly size houses. There is a consistency in the appearance of the fronts of the houses, but where there have been extensions to the rear, there is variety in size and appearance. The appeal property has not been extended but benefits from a single storey outbuilding that is positioned just beyond the rear elevation and runs along the boundary with No. 6 The Smithers.
6. The proposal would extend 0.3m further along the boundary and be 0.7m taller than the outbuilding. Also, despite the stepped layout, it would be noticeably wider,

being over 4m in width where it adjoins the existing dwelling. The proposal also incorporates two roof lanterns, which do add to the overall bulk of the building.

7. The proposed extension would therefore represent a sizable, flat roofed addition to the existing dwelling, more than doubling the depth of the ground floor. It would have little in common with the appearance or proportions of the existing dwelling. As such, it would not be read as a sympathetic addition or complement the appearance of the house.
8. Whilst a flat roof design is not an alien feature in the vicinity, the examples that I saw were more modest in comparison to the appeal proposal. Consequently, these appear to assimilate acceptably in terms of their design and do not, based on what I have seen, harm the character and appearance of their host property in the same way the appeal proposals would. They do not therefore lead me to allowing the appeal.
9. The rear garden of the appeal site is reasonably spacious and in keeping with those of neighbouring properties. However, that does not justify the adverse visual impact that would arise from the proposal's discordant appearance.
10. The proposal would not be visible from public vantage points although the adjoining neighbours would be likely to see it. Whilst I have found harm in relation to the effect on the existing building, the proposal would not unduly impact the wider character of the area.
11. Overall, I find that the proposal is contrary to Policy EN4 of the MVLP which, amongst other things, requires development to make a positive contribution and be of an appropriate scale, height, massing, proportion and form.
12. For similar reasons the proposal would be contrary to the SPD and it would fail to meet the requirements of Paragraph 135 of the National Planning Policy Framework (the Framework) which seeks to ensure developments are visually attractive and sympathetic to local character.

Living Conditions

13. The proposed extension would replace an outbuilding which already extends a considerable distance along the shared boundary with No.6 The Smithers. This neighbouring property benefits from an existing full width, single storey rear extension. This existing extension is indicated to be just over 3.6m in depth. Thus, the appeal proposal at No.5 would project approximately 4.4m beyond the rear elevation of this neighbouring extension.
14. By virtue of its length and height the existing outbuilding will no doubt have some effect upon the outlook from the neighbour's ground floor rear windows and be a noticeable feature when viewed from the patio. Conversely, it provides the neighbour with a degree of privacy and by virtue of the buildings' orientation, would not cause a problem in terms of overshadowing.
15. The proposed extension would be only slightly longer than the existing outbuilding but noticeably taller. When seen from the neighbour's property, it would create a large blank wall alongside the boundary and the neighbour's patio area. I find that the combination of the extension's depth and height would ensure that it would be an intrusive feature that would be overbearing and dominate this part of the neighbour's garden.

16. The neighbour would retain good levels of outlook from other parts of their garden. However, that would not mitigate the overbearing nature of the extension which, in my opinion, would significantly compromise the enjoyment and use of this part of the neighbour's property.
17. The harm I have identified to the living conditions of the neighbouring occupants means that the proposal does not comply with Policy EN4 of the MVLP. This requires, amongst other things, that the amenity of residents of occupying properties in the surrounding area is not significantly affected.
18. The proposal would also be inconsistent with the SPD which seeks to avoid problems of overbearing development. Similarly, it would conflict with Paragraph 135 of the Framework which requires development to, amongst other things, create places with a high standard of amenity for existing and future users.

Other Matters

19. The appeal site is located within the Brockham Conservation Area (BCA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the BCA. In that respect I note that the Council raises no specific concern as to the impact that would arise on the BCA. In light of this, along with my own observations and findings, I am satisfied that there would be no harm caused to the character or appearance of the BCA.
20. The appellant refers to the building's permitted development rights. A terraced property could be extended by up to 3 metres or by up to 6 metres through the prior approval process. Were it to be the same height as currently proposed, such an extension could probably incorporate the smaller of the roof lanterns proposed here without exceeding the height limitations.
21. Such an extension could have a footprint not dissimilar in overall size to the current proposal, but such a building would not extend as far down the garden. Furthermore, although a prior approval would potentially permit a rear extension the full width of the existing dwelling, the existing access to the rear garden would appear to make this hard to achieve.
22. Consequently, whilst this would still represent a sizable extension and somewhat out of keeping with the proportions of the existing dwelling, it would be more contained and not as disproportionately deep as the scheme before me. Thus, it would not have as harmful effects as the current proposal. Therefore, whilst it is a material consideration, it is not of sufficient weight to overcome the identified harm.
23. Removing the roof lanterns from the scheme would help to reduce the overall impact of the proposal. However, this would not be sufficient to overcome the harms I have identified above.

Conclusion

24. Having considered the development plan as a whole, along with all relevant material considerations, I conclude that the appeal should be dismissed.

Stewart Glassar
INSPECTOR