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## Appeal Decision

Site visit made on 15 August 2016

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **05 September 2016**

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### Appeal Reference: **APP/D3640/D/16/3153307**

### Land at **34 Curley Hill Road, Lightwater, Surrey GU18 5YH**

- 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 Ms S Hooper against the decision of Surrey Heath Borough Council.
  - The application (reference 15/1043, dated 27 November 2015) was refused by notice dated 12 April 2016.
  - The development proposed is described in the application form as: "*conversion of garage to habitable space, the erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space*".
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### Decision

1. The appeal is allowed and planning permission is granted for the "*conversion of garage to habitable space, the erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space*", at 34 Curley Hill Road, Lightwater, Surrey GU18 5YH, in accordance with the terms of the planning application (reference 15/1043, dated 27 November 2015), subject to the conditions set out in the attached Schedule of Conditions.

### Application for costs

2. An application for costs was made by the Appellant against Surrey Heath Borough Council. This application is the subject of a separate Decision.

### Main issue

3. There are two main issues to be determined in this appeal. The first is the effect of the proposed development on the character of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or overshadowing or intrusion on privacy).

### Reasons

4. The appeal site is located within a suburban residential area of Lightwater, on Curley Hill Road, which is characterised by substantial houses of varying styles (sometimes with accommodation at second floor level) on relatively large plots. The road itself is unmade and has an informal, rural appearance, between the

leafy front gardens of the properties that it serves. It slopes upwards to the west in the vicinity of the appeal site.

5. Number 34 Curley Hill Road stands on a steeply sloping plot and is distributed over two levels. There is a large garage and other accommodation at the level of the entrance from the road but the main living areas are located on the upper level, related to the rear garden, since the plot rises away from the road towards a wooded area at the rear (north and north-west). The house is conventional in design, with pitched roofs, but with some modern features, including a large balcony on the upper level at the front of the building.
6. Other homes in the immediate vicinity are also typically conventional in design, with a variety of garden sizes and shapes, adapting to the slope of the land as the residential suburb has evolved. The appeal building and its neighbours do not follow a strict "building line" but they are set well back from the road, with deep and mature front gardens.
7. The proposed alterations and extensions to the existing dwelling would have the effect of changing its appearance entirely (as well as removing much of the existing structure). A new house would be created with some accommodation at the lower ground level, the main living areas at the upper ground floor level and four bedrooms (together with ancillary spaces) at first floor level. The finished house would be overtly contemporary in style, using modern materials, flat roofed and geometrical elements and extensive areas of glass.
8. Among other things, the 'National Planning Policy Framework' emphasises the aim of "requiring good design" in the broadest sense (notably at Section 7) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities.
9. An emphasis on the importance of good design, including the need to "respect the amenities of occupiers of neighbouring property", is also to be found in the Development Plan, notably at Policy DM9 of the Surrey Heath Borough Council's 'Core Strategy and Development Management Policies'. The 'Lightwater Village Design Statement' is a Supplementary Planning Document that is also a material planning consideration in this appeal, but it dates from 2007 and it must be viewed in the context of Policies in the 'National Planning Policy Framework'.
10. The finished house would be set back from the road itself, behind a spacious and mature front garden. It would be built over three distinct floors but, in taking advantage of the steeply sloping site, its overall scale would be commensurate with other buildings in the area and it would be sited towards the centre of its relatively large plot. Thus it would not amount to an overdevelopment of the plot in general terms.
11. The house would, however, appear as a new contemporary building, different from its traditionally designed neighbours, and it would amount to a significant architectural intervention in the locality. It would be in bold contrast to some of its neighbours but it has been well designed in itself and there is no good planning reason for it to imitate other styles. While it can be important to promote local distinctiveness, the 'National Planning Policy Framework'

recognises that there is a place for contemporary design and points out, for example (at paragraph 60), that planning decisions should not stifle architectural innovation.

12. In this case, the suburban setting of the site and the variety in the architecture of the surrounding area make a contemporary design acceptable in the context of national and local planning policies. Although the bulk of the building would be increased, it would not become too visually intrusive and the modern style of the design does not justify a refusal of planning permission.
13. It is noted, however, that there is an intention to "provide substantial new landscaping", in the context of the new development, and it is accepted that a landscaping scheme would be necessary in the circumstances. This can be controlled by the imposition of suitable conditions, however.
14. In their decision notice, the Council did not include a reason for refusal based on the impact of the proposed development on neighbours' amenities. Nevertheless, there have been a number of submissions on this issue and I have adopted it as a "main issue" in the appeal. I have considered carefully the written submissions that were made in relation to the application and have reviewed the drawings with those in mind.
15. The proposed extensions and alterations would alter the shape and bulk of the existing dwelling, making a very small reduction in the length of the flank wall alongside the boundary with number 32 but effectively replacing the existing pitched roof with an additional flat roofed storey over much of the new ground floor. Number 36 stands at a lower level than the appeal site, due to the natural slope of the land, to its north-east.
16. The finished building at number 34 would have an irregular outline at first floor level, alongside its north-east boundary. It would be located to the west of the rear garden of number 32, with the rising wooded hill further to the west. The back garden at number 32 is smaller than others in the immediate vicinity and is located to the north-west of the house itself. The proposals for number 34 would have an impact on number 32, of course, but I have concluded that the finished building would not be so overbearing as to be unacceptable in planning terms, nor such as to cause undue overshadowing.
17. In this respect, the proposals would have much less impact on other neighbours, which would be hardly affected by any issue of overbearing impact or overshadowing.
18. Concerns have also been raised about overlooking, though the existing balcony at number 34 and the openness of front gardens to views from the road, as well as the suburban location, all limit the potential for absolute privacy in any case. Even so, the submitted drawings demonstrate that the scheme would not cause undue overlooking, as designed. Nevertheless, in order to ensure adherence to the submitted drawings, as intended by the appellant, conditions can be imposed to identify the drawings that are to be followed, to prevent the insertion of any new openings in the side elevations and to prohibit the use of any flat roofs as balconies (except where balconies or terraces are shown on the submitted drawings at the front of the house, of course).

19. In short, I have also concluded that the appeal proposals would not cause unacceptable harm to the residential amenities of neighbours, whether by overbearing appearance or overshadowing or intrusion on privacy.
20. Evidently, the appeal site lies within an established suburban area, where such development is acceptable in principle. The appeal scheme would create an interesting and practical new dwelling and would make a positive contribution to the streetscene, in my view. It would have a limited impact on neighbouring property but it would be acceptable in planning terms, bearing in mind the suburban nature of the surroundings. Hence, I have concluded that the project would not be in conflict with the Development Plan, in principle, and I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.
21. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and simplicity and to ensure that the approved scheme is strictly adhered to. The need for a landscaping scheme is also implicit in the appellant's submissions and conditions have also been imposed to regulate such a scheme.

*Roger C Shrimplin*

INSPECTOR