

Appeal Decision

Site visit made on 13 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 16 December 2016

Appeal Ref: APP/K3605/D/16/3163252

25 Waynefleete Tower Avenue, Esher KT10 8QQ

- 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 Mr and Mrs Crocker against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1913, dated 9 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is Two storey front extension, part single/part two storey side/rear extension, demolition of existing side extension, replacement roof and installation of 8 No. rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of 27 Waynefleete Tower Avenue with particular regard to sunlight and daylight; and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. The appeal property is a large, detached, two storey dwelling located within a wider residential area. It comprises a single storey rear element with a sloping roof, which contains a study and shower room and which runs along the shared boundary with 27 Waynefleete Tower Avenue.
 4. No 27, also a large, detached, two storey dwelling is located to the west of the appeal property. It has rear facing windows to a ground floor habitable room within a single storey element close to the shared boundary with the appeal property. The low height and the sloping roof of the single storey rear element of the appeal property are likely to maintain a good level of sunlight and daylight to this room.
 5. The proposal seeks consent for a number of extensions and alterations to the appeal property. Part of the proposal would increase the depth of the single storey rear element and would increase its height to two storeys. Given the generous separation distance that would exist between the nearest rear facing first floor window of No 27 and this element of the proposal, I am satisfied that
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there would be no harmful loss of sunlight or daylight to the room that it serves.

6. However, in the absence of any compelling evidence to demonstrate otherwise, I consider that the increase in depth and height of built form at this point, in combination with its proximity and orientation to No 27, would likely overshadowing the nearest ground floor window of No 27 for a considerable duration of the morning. This would have a detrimental effect on the level of sunlight and daylight reaching the habitable room that this window serves. This is notwithstanding that there would be a modest setback of this part of the proposal from the shared boundary. My view on this is also despite whether or not the 45 degree line from the rear facing window to this habitable room has already been breached. Moreover, even if it has already been breached, this would only have been done so by the single storey rear element of the appeal property rather than any two storey elements.
7. I therefore conclude that, on the basis of the evidence before me, the proposal would result in a harmful loss of sunlight and daylight to a habitable room within No 27. This would have a significant and harmful effect on the living conditions of the occupiers of No 27 and would considerably reduce their enjoyment of their home.
8. This would be contrary to Policy CS17- Local Character, Density and Design, of the Elmbridge Core Strategy 2011 (Core Strategy); and Policy DM2- Design and Amenity, of the Elmbridge Local Plan Development Management Plan 2015 (DMP). These policies require, amongst other things, development to protect the amenities of those in the area and adjoining occupiers, including in respect of sunlight and daylight. These policies are consistent with the aims and objectives of the National Planning Policy Framework (the Framework) which seek to secure a good standard of amenity for all existing occupiers of land and buildings.
9. The proposal would also be contrary to the guidance of the Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions 2012 (SPD). The SPD advises, amongst other things, development to preserve neighbour amenities including in respect of sunlight and daylight.
10. Whilst the Council also cites conflict with Policy CS9- Esher, of the Core Strategy, in respect of living conditions matters, this policy does not specifically relate to living conditions matters and is therefore not of relevance to this main issue.

Character and appearance

11. Dwellings along Waynelete Tower Avenue typically comprise large, two storey detached dwellings set back from the street frontage. Whilst the detached nature of dwellings and their setback from the street is a strong and defining characteristic of the streetscene and area, individual dwellings display a diverse variety of architectural styles. In addition, whilst some architectural styles are traditional in character, I observed that a considerable number of recently constructed dwellings along Waynelete Tower Avenue, which have replaced previous dwellings on these plots, are modern in style. The diverse variety of architectural styles, including the emerging pattern of modern style dwellings, forms part of the intrinsic character and appearance of the streetscene and area.

12. The appeal property, which comprises a thatched roof, is traditional in character and comprises a number of asymmetrical elements. The proposed extensions and alterations would result in a dwelling of a more contemporary character with a greater level of symmetry. Nevertheless, it would display some traditional elements, such as a hipped roof and a chimney stack. Whilst the character of the appeal property would change considerably, this would be seen in the context of other modern dwellings within the streetscene and area and in the context of an already diverse variety of architectural styles. It would also reflect the scale, form, bulk and height of other dwellings along Waynelete Tower Avenue.
13. Consequently, I do not consider that the change in the appearance of the appeal property would result in harm to the character and appearance of the streetscene or area. Moreover, the Council does not elaborate in any particular detail why it considers otherwise.
14. The proposal would therefore comply, in this regard, with Policies CS9 and CS17, of the Core Strategy; and Policy DM2, of the DMP. These policies require, amongst other things, development to respect or enhance the local character of the area. The proposal would also comply with the broad aims and objectives of the Framework which require planning to take account of the different roles and character of different areas.
15. The proposal would also comply with the guidance of the SPD, which advises, amongst other things, extensions to harmonise with the streetscape and, where appropriate, can be fully integrated with the house.

Other matters

16. I acknowledge the appellants' argument that the proposal would enable them to remain, live and work in the area. However, I have not been provided with any substantive evidence to demonstrate that there could not be an alternative scheme that would satisfy these desires, without harm arising to neighbour living conditions. I therefore afford limited weight to this argument. Moreover, these personal benefits to the appellants would not outweigh the harm I have identified in respect of neighbour living conditions.
17. I have had regard to a number of other concerns of the occupier of No 27, including in respect of privacy and property devaluation. However property devaluation is not a material planning consideration to which I can afford any significant weight. With regard to privacy, this matter was not raised as an issue by the Council, and on the basis of the evidence before me and my own observations, I have no substantive reasons to take a different view on this matter.

Conclusion

18. Whilst I have not found harm to the character and appearance of the area, I have found harm to the living conditions of the occupiers of No 27. Such harm would not be outweighed by any benefits. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson INSPECTOR