

Appeal Decision

Site visit made on 13 December 2016

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/K3605/D/16/3160154

69 West End Lane, Esher KT10 8LF

- 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 & Mrs Clarkson against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1301, dated 20 April 2016, was refused by notice dated 20 July 2016.
 - The development proposed is for a single storey rear extension.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 68 West End Lane, with specific reference to outlook.

Reasons

Living Conditions

3. The proposal relates to a semi-detached red brick cottage which has a single storey flat roof extension to its rear, with its flank elevation situated on the boundary with 68 West End Lane. The rear garden boundary, which is demarcated by a low brick wall with a fence over it for the depth of the patio of the appeal site, tapers in a south easterly direction, with the rear garden of no 68 also angled and running parallel to it. In comparison to the appeal site, the rear garden of no 68 is very narrow, it also has a conservatory situated to its rear elevation which is located on a similar ground level as the existing extension and patio serving the appeal dwelling.
4. Notwithstanding the angle of the boundary and the fact that the increase in height of the extension over and above the existing fence would be approximately 0.5m, I find that due to the quite considerable combined length of the existing and proposed extensions that the proposal would give rise to an overbearing effect that would erode the outlook from the rear elevation of no 68.
5. Therefore, in this regard I find that the proposal would have a harmful effect upon the living conditions of the occupants of no 68 and the proposal would be contrary to Policies CS17 of the Elmbridge Core Strategy and DM2 of the

Development Management Plan (2015) which require all new development to achieve high quality design and to protect the amenity of adjoining and potential occupiers, and to be designed to offer an appropriate outlook.

Other Matters

6. I note that the issue of overshadowing was not raised within the Council's decision notice, although within the Officer Report it states that due to the position of the sun throughout the day the proposal could result in some limited overshadowing to no 68. In response to this, the appellants have submitted a Daylight/Sunlight Assessment Report which demonstrates that overshadowing effects from the proposal would not be significant and I have no reason to come to a different conclusion on this matter.
7. In addition, 69 West End Lane is a Grade II Listed Building and it is situated within the West End Conservation Area. The Council have raised no objections with respect to the impact of the proposal upon the significance of Heritage Assets, and I have been given no substantive reason to come to a different conclusion on this matter either. I find that the proposal would, at the very least, preserve the character and appearance of the Conservation Area and would preserve the Listed Building and its setting.

Conclusion

8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR