
Appeal Decision

Site visit made on 13 December 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 04 January 2017

Appeal Ref: APP/K3605/D/16/3156727

Blue Jay, 16a Claremont Drive, Esher, Surrey KT10 9LU

- 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 Khalid Al Subaei against the decision of Elmbridge Borough Council.
 - The application Ref 2016/0916, dated 17 March 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a car port to existing parking surface consisting of a hipped pitched roof to match existing supported on 4 no. brick columns with flank wall to one end and return wall to existing house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the setting of the Grade II* listed former kitchen garden wall to Claremont House and the Claremont Gardens Grade I Listed Registered Historic Park and Garden.

Reasons

3. The appeal site forms part of the garden area of a large two storey dwelling setback from the road behind a boundary wall and the properties on Claremont Drive. The house and extensive grounds are situated in part of the former walled kitchen garden to the Grade I Listed Claremont House and within the boundaries of Claremont Gardens, a Grade I Listed Registered Historic Park and Garden. There are Grade II* listed walls on three sides of the site measuring approximately 4.0-4.5m in height.
 4. The proposal would involve the construction of a pitched roof canopy on four corner brick piers and section columns to form a car port in the north-east corner of the garden immediately adjacent to the listed boundary wall. The proposal would measure about 14m (length) by 5m (width) with a pitched roof with an eaves height of about 2.6m and a ridge height of about 4.3m. A brick wall and gate would also be constructed on the western end of the canopy.
 5. The proposed development would be situated in the characteristic open gap between the existing house and the listed boundary wall. Such positioning would compromise the sense of space and openness. As such, I consider the development, by virtue of its siting and design would introduce a dominant
-

structure that would severely restrict the views of the listed wall and as such would have material impact on the open setting of the listed wall. The setting would therefore not be preserved.

6. However, there is only limited inter-visibility into and out of the appeal site due to the screening provided by the existing boundary wall. This would allow the proposed development to achieve an appropriate degree of subordination and as such would have a neutral impact on the setting of the Grade I Listed Registered Historic Park and Garden. The setting would therefore be preserved.
7. Given the modest scale of the development, the harm to the listed wall would be less than substantial but in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide additional covered parking for the family vehicles in front of the property. I find though insufficient public benefit to offset the identified harm to which I attach significant weight.
8. I have considered the appellant's arguments that the siting and the semi-open design of the car port would allow unobstructed views of the listed wall. Whilst these features would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above. I therefore accord these matters limited weight.
9. Consequently, I conclude that the development would harm the setting of the Grade II* listed wall. It would conflict with Policies DM2 and DM12 of the Elmbridge Development Management Plan 2015, Policies CS9 and CS17 of the Elmbridge Core Strategy 2011 and the Elmbridge Design and Character Supplementary Planning Document 2012. These policies and guidelines seek, amongst other things, to ensure that proposals are of a high quality design that responds to the character of the local area, integrate sensitively with the locally distinctive heritage assets and protect, preserve and enhance listed buildings and their setting.
10. In addition, it would conflict with paragraphs 17 and 134 of the Framework, which seek to conserve heritage assets in an appropriate manner, so they can be enjoyed for their contribution to the quality of life now and for future generations.

Other matters

11. I have noted the objections from the Claremont Park Residents Association, Clare Hill (Esher) Association Limited and local residents to the proposal. However, in light of my findings of harm to the setting of the listed wall, there is no necessity for me to consider these matters further.

Conclusion

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

David Troy

INSPECTOR