

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: 13 January 2017

Appeal Ref: APP/K3605/W/16/3158011
29 Pelhams Walk, Esher, Surrey KT10 8QA

- 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 Lown against the decision of Elmbridge Borough Council.
 - The application Ref 2015/4175, dated 13 July 2015, was refused by notice dated 15 March 2016.
 - The development proposed is demolition of existing chalet bungalow and erection of 5 bedroom family dwelling arranged over basement, ground and first floors with additional accommodation in the roof space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) the living conditions of the occupiers of No. 27 Pelhams Walk with particular regard to dominant and overbearing impact.

Reasons

3. Pelhams Walk is a private road within Esher Place that is characterised by large detached properties set in relatively spacious plots with a mature landscaped setting. The appeal site occupies a corner plot adjacent to the junction with an offshoot of Pelhams Walk to the south.
 4. No. 29 Pelhams Walk is a detached chalet style dwelling set back from the road occupying the eastern half of the site. There is a significant change in the levels on the western half of the site that fall steeply toward the south-west corner. The western half of the site is marked by mature landscaping that contributes to the character and appearance of the area.
 5. The proposed replacement dwelling would provide accommodation over four floors, including a basement level and rooms in the roof space, but given the topography of the site, it would appear as a two storey building from the front and the lower levels would not be visible from the rear. The proposed dwelling would occupy a similar footprint to the existing dwelling and be commensurate in scale to those adjacent and to others in the locality.
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6. The proposed dwelling, however, would be significantly higher than the existing dwelling with an overall height of about 9.2m and would be closer to the rear boundary of the site. Although the existing landscaping on the western part of the site would partially screen the proposal, it would be clearly visible in the street scene from a number of public vantage points at the rear of the house elevated above the adjacent dwelling at No. 31 Pelhams Walk. As such, I consider the development, by virtue of its height and depth, would result in an incongruous and out-of-keeping addition that would detract from the views to the south of the site and would adversely harm the character and appearance of the area.
7. I have considered the appellants comments about the changes in the scale and design of the proposed dwelling in light of the previous applications and the planning inspector's comments on the previous appeal¹ on the site. I also note the appellants comments about the reduction in the overall height of the proposal as compared to the previously appealed scheme, due to the relocation of the dwelling further east in the site. The marginal change in the overall height, together with the reduction in the scale and the design changes would not, however, overcome the adverse effects outlined above and the dominance of the proposal when viewed from the much lower ground to the south.
8. I have noted the other developments drawn to my attention by the appellants. The dwellings at No. 35 and 37 Pelhams Walk that back onto the River Mole have different locational characteristics to the appeal scheme and the dwelling currently under construction at No. 52 Pelhams Walk is an infill development of a more modern contemporary design that has different development characteristics. On the basis of the limited evidence provided about the dwellings on Pelhams Walk and those on Waynelete Tower Avenue, I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
9. Consequently, I conclude that the development would harm the character and appearance of the area. It would conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (EDMP), Policies CS9 and CS17 of the Elmbridge Core Strategy 2011 (CS) and the Elmbridge Design and Character Supplementary Planning Document 2012 (SPD) insofar as they seek to ensure that proposals are of a high quality design that responds to the local character and distinctiveness of the area. It would also not accord with the National Planning Policy Framework (the Framework) that development should seeks to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring property

10. The east elevation of the proposed dwelling would be set back about 1.2 to 3.2m from the common boundary with No. 27 Pelhams Walk (No. 27). No. 27 has an attic bedroom with two side facing rooflight windows and a large window on the staircase up to the attic room on the south elevation. No. 27 currently has an uninterrupted view over the appeal property and the open garden areas and land to south that provide space and light between the properties. Whilst this view over the open land is largely a private benefit, it

¹ APP/K3605/A/14/2225387

nonetheless something which the neighbouring property can reasonably enjoy given it contributes to the green and semi-rural character of the area.

11. Evidence provided by the Council shows that the proposed dwelling would not breach the SPD 25 degree line to assess the daylight and sunlight levels. Given the hipped roof design of the proposed dwelling and the existing windows serving the attic room at No.27, together with its inset from the common boundary, I agree with the Council that there would not be significant loss of available light. However, this is not a determinative factor on its own.
12. In relation to outlook, the proposed dwelling would result in a two storey projection running parallel with the common boundary with No. 27. I have viewed the appeal site and, given the overall height and depth of the proposed dwelling and the distance between the properties, I consider that the proposed dwelling would give rise to an unacceptable loss of outlook from the attic room at No. 27. It would introduce a dominant and enclosing structure in close proximity to the common boundary that would have an overbearing effect on the occupiers of No. 27.
13. I have considered the appellants comments about the relocation of the proposed dwelling further to the east closer to the boundary with No.27 in response to the concerns raised on the previous applications and the pre-application comments from the Council. Whilst this maybe so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above. I also note the appellants comments about the use of the attic room as a bedroom and the rooflights at No. 27. However, this is not a matter for my consideration under this appeal.
14. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of No. 27 with particular regard to the dominant and overbearing impact of the development. It would conflict with Policy DM2 of the EDMP, Policies CS9 and CS17 of the CS and the Council's SPD. These policies and guidelines seek, amongst other things, to ensure that the proposal would provide a satisfactory level of amenity and would protect the amenities of the nearby properties. In addition, it would not accord with the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other matters

15. In reaching my decision, I have taken account of the issues raised by interested parties in relation to the living conditions of neighbouring occupiers. Notwithstanding my conclusions in respect of the street scene, given the changes in site level and the existing mature landscaping at the rear of the appeal property, the views from the proposed development towards sunroom and first floor windows at No.31 Pelhams Walk would not be significantly materially different and as such would not harm the living conditions of No. 31.
16. In terms of the views from other neighbourhood properties sited on higher ground opposite the site at Nos. 30 and 32. I agree with the Council that, whilst the proposal would be higher than the existing dwelling, it would largely be sited on the same footprint and, as such, the loss of views to the open land to the south would not be so significant as to warrant dismissing the appeal. In relation to light, outlook and privacy, the new dwelling would be sufficiently

far away from Nos. 30 and 32 so that it would neither be overbearing nor give rise to undue loss of light or overlooking.

17. I have noted the other concerns from the local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

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

David Troy

INSPECTOR