

Appeal Decision

Site visit made on 18 January 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 25 January 2017

Appeal Ref: APP/K3605/D/16/3163042

3 Park Way, West Molesey, Surrey KT8 1PE

- 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 Adam Wells against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1455, dated 24 April 2016, was refused by notice dated 19 August 2016.
 - The development proposed is single storey side/rear extension and front boundary fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development varies between the application form and the subsequent documents. I have used a shortened form of the description used on the decision notice as it describes the development more succinctly.

Main Issues

3. The main issues are whether the proposal would result in an unacceptable risk of flooding, and the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to daylight and visual impact.

Reasons

Flood risk

4. The appeal site at 3 Park Way is located within a predominately residential area, and forms one of a pair of semi-detached dwellings. The proposal would replace the existing garage and rear extension with a new single storey extension which would wrap around the side and rear of the dwelling.
 5. No 3 lies within Flood Zone 2, as identified by the Environment Agency, which indicates a medium probability of flooding. The appellant has submitted a Flood Risk Assessment (FRA, dated June 2016) which states that the development would be located on ground above the flood level, and concludes that there would be a negligible risk of flooding to the occupants. It also finds that there would be no increased flood risk to others, and no opportunities to reduce flood risk elsewhere.
-

6. The Council is concerned that the FRA offers insufficient evidence to demonstrate that the development would be above the flood level, and I share that concern. In particular, the FRA fails to provide any site-specific information. It would be expected, for example, that the floor level of the development would be cross-referenced with accurate flood levelling data to show that the development would be sited above the known flood level.
3. I accept that the development would represent a relatively small increase to the footprint of the existing building, and that the number of residents would not increase. Nonetheless, in view of the identified risk of flooding, I am concerned that the FRA has failed to provide sufficient analysis to demonstrate that the proposal would not give rise to an unacceptable risk of flooding for the occupiers of No 5, or affect flood risk to others. The proposal would therefore fail to comply with Policy CS26 of the Elmbridge Core Strategy (July 2011), which seeks to reduce the overall and local risk of flooding in the Borough.

Living conditions

7. The Council's document entitled 'Design and Character Supplementary Planning Document Companion Guide: Home Extensions' (SPD, April 2012) sets out guidelines for extensions to existing dwellings. The window of a habitable room is located in the rear elevation of 5 Park Way, adjacent to the site of the proposed extension. The proposed extension would have a depth of around 3.7m and would breach a 45 degree line from the neighbouring window, and to that extent would conflict with the SPD's recommendations. However, the SPD is clear that the specific characteristics of sites should be taken into account.
8. The main outlook from the window at No 5 is towards the south along the garden, and this would not be changed by the proposed extension. There is a boundary fence in place between the two properties, and the new wall of the extension would be higher than the existing fence, at a total height of around 3m. However, this increase in height for around 3.7m would not have a significant enclosing effect on the neighbours' outlook from their garden or rear window. Similarly, as the rear elevation of No 5 faces south, it will receive good levels of daylight during the day, and this would not be unduly affected. As a result, the development would not harm living conditions at No 5 to the extent that would warrant the withholding of planning permission.
9. I have had regard to the circumstance that an extension of a depth of 3m could be constructed in this location, thus falling within the SPD guidelines. There is no reason to assume that the appellant would not implement such a scheme if I were to dismiss the appeal. I envisage that the difference in the effect between a 3m and a 3.7m extension on the living conditions at No 5 would not be readily perceptible. I therefore attach significant weight to this fallback position.
10. The Council also has also raised concern with regard to the effect of the proposal on the living conditions of neighbours at 1 Park Way, to the east of the appeal site. To the rear of No 1 is a single storey extension with windows facing south-west along the garden. Again, the additional height of the proposed extension above that of the existing boundary fence would not result in unacceptable overbearing or loss of outlook to No 1. The separation distance between the proposed extension and the boundary of No 1 to leave a pedestrian access to the side of No 3 would further mitigate any visual impact.

Furthermore, the separation distance and the south-west facing aspect of the windows would ensure that there would be no harmful loss of daylight at No1.

11. I therefore conclude that the living conditions of neighbours at Nos 1 and 5 would not be unacceptably harmed by the development. It would thus comply with Policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015) insofar as it seeks to protect the amenity of adjoining and potential occupiers and users.

Conclusion

12. Despite my finding that the development would not harm the living conditions of neighbours, it has not been satisfactorily demonstrated that it would not result in an unacceptable risk of flooding. Taking all other matters into consideration, I therefore conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR