

Appeal Decision

Site visit made on 9 January 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 1st February 2017

Appeal Ref: APP/K3605/W/16/3158166

48-50 Buckingham Gardens, West Molesey KT8 1TJ

- 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 John Mattimore against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1962, dated 13 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is second floor extensions to 48, 49 and 50 Buckingham Gardens, contained within a new mansard roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has amended the description of the development on the decision notice. However, there is nothing in writing to confirm that this has been agreed with the appellants. The wording in the banner heading above is taken from the application form.
3. At the prior request of a neighbour, my site inspection included a visit to No 47 Buckingham Gardens to assess the effect on an upstairs bedroom.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The Hurst Park estate was built circa 1970 and is characterised by long terraces of two and three-storey houses. The appeal properties lie at the end of a staggered block which backs onto Hurst Park and the River Thames. All of the houses in the row share the same style of shallow pitch tiled roof. Indeed, I saw that much of the estate is based around a relatively small number of repeated house designs which give the area its distinctive identity.
 6. The proposed mansard would replace the pitched roofs on Nos. 48, 49 and 50. It would be taller than the remaining terrace and in my opinion it would be a bulky and overly dominant addition to the host properties. On an estate which is characterised in part by the uniformity of its house designs, the development would appear as an incongruous and visually discordant feature, particularly when viewed from the riverside footpath.
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7. The appellants contend that the appeal scheme would be more harmonious than a series of individual dormers which could be added as permitted development. A Certificate of Lawfulness under Section 192 of the Act has been granted for each property and this demonstrates that such works would be lawful.
8. Consequently, I accept that there is a genuine fallback position and also a realistic probability of those works proceeding in the event of this appeal being dismissed. However, the dormers would be confined to the rear elevation of the terrace and they would be lower and visually less bulky than the mansard roof being sought under the appeal scheme. They would also maintain the characteristic gable profile of No 48. In my judgement the fallback position would be less harmful and as such it does not justify the proposal.
9. I have been provided with photographs of other three-storey development in the area, including examples of mansard roofs. However, none of these cases are directly comparable to the appeal proposal which would be seen in the context of adjacent two-storey housing of relatively homogenous appearance.
10. My attention has been drawn to paragraph 60 of the National Planning Policy Framework ('the Framework'). This advises that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the Framework also states that it is proper to seek to promote or reinforce local distinctiveness. In failing to have regard to its context the appeal proposal would not do so.
11. I am also referred to paragraph 65 of the Framework which states that permission should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape. The appeal scheme would be built to the latest sustainable construction standards but this would not compensate for its poor outward appearance.
12. Accordingly, I conclude that the proposal would have an unacceptable impact on the character and appearance of the area. There would be conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) and Policies CS7 and CS17 of the Elmbridge Core Strategy (2011). Consistent with the Framework, these policies seek high quality design which preserves or enhances the character of the area and integrates sensitively with locally distinctive townscape.

Other Matters

13. I have taken account of the appellants' desire for additional living space. However, this does not outweigh the harm the scheme would cause.
14. The occupier of No 47 has raised concerns regarding overlooking of an upstairs bedroom. However, I saw during my visit that the appeal properties already have first floor windows offering similar views in this direction and there would be no resultant additional loss of privacy.
15. Residents have raised a number of other concerns including the impacts on river views, utilities, public paths and parking. However, based on the information before me, these matters would not constitute reasons to dismiss the appeal.

Conclusion

16. For the reasons given above, and having regard to all other matters raised including the representations of support for the scheme, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR