
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: 03 February 2017

Appeal Ref: APP/K3605/W/16/3160594

Land to the rear of 1 Grove End Lane and 29 & 31 Imber Park Road, Esher, KT10 8JA

- 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 Peter Rula against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1408, dated 29 April 2016, was refused by notice dated 27 September 2016.
 - The development proposed is new bungalow with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for new bungalow with associated parking at land to the rear of 1 Grove End Lane and 29 & 31 Imber Park Road, Esher, KT10 8JA in accordance with the terms of the application ref 2016/1408, dated 29 April 2016, subject to the conditions set out in the schedule to this decision letter.

Preliminary matter

2. The description of the proposal varies between the application form and the subsequent documents. I have used the description given on the application form as it describes the proposed development more succinctly.
3. The address of the appeal site also varies between the documents before me, some of which make reference to 29 Grove End Lane, which does not appear on the map extracts I have been given. I have therefore used the address given on the application form, as the reference to 1 Grove End Lane appears to be the correct one. However, I have removed the word 'Court' from the Imber Park Road address as this appears to be inaccurate.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises a vacant plot located within a predominantly residential area. The proposal would create a single detached bungalow which would take its access from Grove End Lane.
 6. To the south of the appeal site are a number of detached properties located within their own plots. They adhere to a building line which is informal, but nonetheless fairly consistent. The new dwelling would sit forward of its
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immediate neighbour at Fairways, but would sit broadly in line with the front elevation of Newlands, and with the southern corner of Cherry Trees. I therefore consider the siting of the new building would respect the building line, and would keep in with the prevailing layout of development in the area. In addition, the relatively small scale of the development would keep it from appearing overly dominant, even though it would project a little forward of its neighbour. The proposed footprint of the development would also be broadly similar to those of its neighbours.

7. To the rear of the plot, the garden would be irregularly shaped, measuring approximately 10 to 12m deep. I agree that this would be shorter than the rear garden plots of the surrounding dwellings. However, I note that the Council considers that the proposed garden area would be suitable in terms of the living conditions of future occupants. Whilst the garden would be smaller than those of immediate neighbours, it is not unusual to find anomalous plot sizes within built up areas. Moreover, the rear plot would largely be hidden from public view, and would have a negligible impact on the wider area.
8. The Council has not raised issue with the overall design of the new dwelling, and I agree with that position. However, they object specifically to the design of the proposed rear dormer windows, stating that these would be visually overbearing and out of character with the area. The dormers would be flat-roofed, with a clean, modern aesthetic. In terms of scale, they would sit comfortably within the roof slope, leaving ample space above, below, and to the sides, and would not project beyond the eaves. I consider that the dormers would be proportionate to the scale of the roof, and would not dominate or overwhelm it.
9. Furthermore, situated to the rear of the development, they would not be readily visible from the public realm. Oblique views of the dormers would be possible from a limited number of surrounding properties, and from neighbouring gardens, but I do not consider that the dormers would be either prominent or harmful within these views.
10. Drawing these factors together, I conclude that the proposal would not harm the character or appearance of the surrounding area. It would therefore comply with Policy CS17 of the Elmbridge Core Strategy (CS, July 2011), insofar as it seeks to protect local character and Policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015), insofar as it requires high quality design. It would also accord with CS Policy CS8, which amongst other things, seeks to support the area as an attractive and individually distinctive residential neighbourhood, and the National Planning Policy Framework, which also seeks to secure high quality design.

Other Matters

11. I have had regard to the concerns raised by interested parties, including the effect of the proposal on the living conditions of neighbours. On my visit, I viewed the appeal site from 33 Imber Park Road, whose garden adjoins it. The rear elevation of the development would face towards the end of the garden at No 33. There would be no direct views between the buildings, and the amenity space closest to the rear of No 33 would not be affected. Whilst views of the area of garden furthest from the house would be possible from the new dormer windows, the separation distance would be such that living conditions at No 33 would be not be materially harmed by the proposal. As the garden faces

south, sunlight would not be unduly affected. There would be an even greater distance between the development and 35 Imber Park Road, and so the impact on that property would be acceptable.

12. The main windows of the new dwelling would face east and west, and the north elevation would have no openings. Therefore, there would be no direct overlooking of the properties to the north on Imber Park Road. The outlook from the dormer windows would be at an almost 90 degree angle to the back of 31 Imber Park Road. Any overlooking would therefore be at an angle so oblique as to be negligible in terms of the impact on the privacy of that property or its garden.
13. The new dwelling would be sited at approximately 23m from the nearest rear elevations at 29 and 31 Imber Park Road. This separation distance would be sufficient to ensure that there would be no significant loss of outlook from or increase in overshadowing or overbearing to those properties. With regard to concerns over car fumes, there is no firm evidence to suggest that the development would have any detrimental health implications for children living in the vicinity.
14. I acknowledge concerns regarding the loss of shrubs and a tree from the site, and implications for privacy. However, I am satisfied that this matter can be dealt with by a suitable landscaping condition. There is no substantial evidence before me to show that wildlife would be adversely affected by the proposal.
15. The footprint of the development would be such that at least 1m of space would remain between its north elevation and the adjacent boundary. This distance is commensurate with the offsets of many of the surrounding houses from their boundaries, and the proposal would thus keep in with the prevailing form of development in the vicinity. Concern has been raised regarding the provision of parking for the development. The proposal shows two off-street car parking spaces which would be adequate. I note that the Council has not raised any objection in this regard, and there is no compelling reason for me to take a different view.
16. Concern has been raised that the appeal site comprises a garden or backland plot, and so the proposed development would be inappropriate. Whilst the site was formed from the gardens of the adjacent properties, it appears that the division of the land took place some time ago. The site is clearly now visually and functionally separate from those properties, and has independent access. As a result, it could not reasonably be described as a backland or garden plot, and so this matter has not led me to a different conclusion.
17. The Council additionally refers to DMP Policy DM10, which deals with housing. As these issues are not raised within the reason for refusal, I conclude that this policy is not directly relevant to my consideration of the main issue.
18. In their statement of case, the Council refers to the unilateral undertaking which has been submitted by the appellant in respect of the affordable housing contribution required under CS Policy CS21. As this matter has not been raised within the reason for refusal, I have not considered it any further within my decision.

Conditions

19. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the PPG. As a result, I have amended some of them for clarity and brevity.
20. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials and landscaping are appropriate in the interests of character and appearance. A condition requiring compliance with the Flood Risk Assessment is necessary in the interests of safety.
21. I have not imposed the suggested condition limiting development within curtilage of the proposed new dwelling. Clear justification is required for such a restriction, and the PPG advises that it should only be used in exceptional circumstances. There is no evidence before me in this case to justify such a condition.
22. It is essential that the requirements of Condition 5 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

Conclusion

23. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; AAL-15-168-P01 Rev E; AAL-15-168-P04 Rev C.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form, unless otherwise agreed in writing with the local planning authority.
- 4) The development shall be carried out in accordance with the details contained in the Flood Risk Assessment reference 5967/2.3F (Fifth Issue), received 13 September 2016.
- 5) No development shall commence until a scheme of hard and soft landscape works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of: all hard surfaces, walls, fences, and access features; any existing trees or planting to be retained; new planting, and; measures to be taken to protect any existing features during the construction of the development.
- 6) The landscaping works shall be carried out in accordance with the approved details before the end of the first planting and seeding season following occupation of the dwelling or completion of the development, whichever is sooner. Any tree or plant detailed in the approved landscaping scheme which is removed, dies, or becomes severely damaged or diseased within five years of the completion of development shall be replaced with a tree or shrub of a comparable size and species in the next planting season, unless otherwise agreed in writing by the local planning authority.