

Appeal Decision

Site visit made on 17 January 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/K3605/W/16/3158742

Amberleaf Cottage, 18A High Pine Close, Weybridge, Surrey KT13 9EA

- 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 Ms E Latter against the decision of Elmbridge Borough Council.
 - The application Ref 2016/0737, dated 22 February 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the erection of a replacement dwelling, following demolition of existing dwelling. Erection of a proposed outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. Having considered all the representations made, including those from local residents, the main issues are the effect of the proposed development on:
 - the character of the area; and,
 - the living conditions of surrounding occupiers.

Reasons

The character of the area

3. The Council considers that the enlargement of the existing bungalow would make it appear cramped on its plot, and that its scale would be overbearing in the spacious character of the area. I appreciate that the surrounding area has a spacious character derived by the footprint areas of the houses being significantly less than the areas of their curtilages, and by the scale of the houses of generally 2 storeys, with substantial gaps between them.
 4. However, while the footprint of the proposal would bring the built form as close as around 1m and 1.8m to the side boundaries of the plot at its closest points, these parts of the house would for the most part be single storey with roofs hipped or sloping away from the boundaries. Further, the houses in the adjoining gardens, opposite its flanks, are set away from the boundaries. These factors diminish the effect of its proximity to the side boundaries in terms of the pattern of development in the area. Moreover, in the context of the gaps to the side boundaries between 20, 20a, 20b and 22 High Pine Close, the boundary relationship of this proposal would not appear cramped.
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5. I have taken into account the footprint:plot ratios of the houses in the area, which vary considerably. While the coverage of the enlarged house would place it towards the higher end of the range of ratios, it would not be at odds with the spacious grain of development which characterises the area. Nor would the mass and height of the proposal be significantly different from many of the houses I saw in the area.
6. I acknowledge the concerns of the Council which centre on the backland location of the development. However, I conclude for the reasons above that the proposal would not disrupt the pattern of development of the surrounding area or harm its character. There would be no conflict with Policy DM2 of the Council's Development Management Plan 2015 (DMP) which says that proposals should preserve or enhance the character of the area with particular regard to attributes including scale, mass, height, and separation to plot boundaries.

The living conditions of surrounding occupiers

7. I visited four of the five plots adjoining the appeal site. The back garden of 23 Oatlands Close is given over to lawn around planted and feature flower beds directly to the north of the appeal site. While there is an evergreen hedge along its boundary and a large, mature deciduous tree in the garden, the additional height and mass of the proposal in such close proximity to the boundary would be overbearing in the outlook from the back garden and an intrusive mass in the outlook from the rear of the house, which contains habitable rooms. It would reduce the garden's access to sunlight; however, given the size of the garden and on the evidence before me, I do not consider that the degree of over-shadowing would be materially harmful.
8. The proposal would include a balcony to the master bedroom at first floor which would face towards 18 High Pine Close. I note it would be set back within the plot and that the boundary between the proposal and No 18 includes evergreen trees and a hedge. However, this planting does not provide a sufficiently solid screen to reduce the overlooking from the bedroom and balcony into the central part of the garden of No 18 to an acceptable degree. I have taken into account that there is a commonly accepted degree of mutual, overlooking between back gardens and neighbouring houses directly opposite or adjoining. However, because of the height and size of the opening and the balcony in the proposal, and their oblique angle to No 18, the overlooking resulting from this proposal would be harmful to the privacy of the occupiers of No 18 while in their back garden.
9. I appreciate that the present house is unable to overlook 9 Woodland Way, and that this proposal would have two bedrooms with openings orientated towards No 9. However, because of the substantial distance of these openings from the garden of No 9 and from the openings in the rear elevation, I do not consider that there would be a materially harmful loss of privacy to the occupiers of No 9. While I have taken into account the height and mass of the proposal, because of its distance from No 9, I do not find that there would be an adverse impact on their outlook or the light they receive.
10. I acknowledge that part of the proposal may be visible from 20 High Pine Close. However, given the substantial separation between the two houses and the height and density of the evergreen planting on the boundary between them, there would be no adverse effect in terms of light, sunlight, privacy, or

outlook. I have considered the representations from other neighbours regarding the impact of the proposal on their living conditions, as well as the objections from the Oatlands Close Residents' Committee and the Woodlands Way Residents' Association. However, because of the scale of the proposal, the distance between it and neighbours' gardens and houses, as well as the degree of screening on boundaries, I have not found any harm to surrounding occupiers save that identified above.

11. I conclude on this issue that the proposal would harm the outlook from the garden and from within the house at 23 Oatlands Close, and it would reduce the privacy in the back garden of 18 High Pine Close to a harmful degree. The proposed development would therefore be in conflict with DMP Policy DM2 which seeks to protect the amenity of adjoining occupiers. It says that proposals should offer an appropriate outlook and provide adequate daylight, sunlight, and privacy, and that this is particularly important when considering proposals for, amongst other things, balconies. It would also be at odds with one of the core planning principles of the Framework; that planning should always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

12. Whilst the development would provide additional living space and it would not harm the character of the area, this is outweighed by the unacceptable harm it would cause to the living conditions of surrounding occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR