

Appeal Decision

Site visit made on 23 January 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 17th February 2017

Appeal Ref: APP/C3620/W/16/3163363

43 Minchin Close, Leatherhead, Surrey KT22 8BH.

- 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 Mrs Brenda Slingsby against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1121/PLAH, dated 11 July 2016, was refused by notice dated 6 September 2016.
 - The development proposed is the erection of a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a conservatory at 43 Minchin Close, Leatherhead, Surrey KT22 8BH in accordance with the terms of the application, Ref MO/2016/1121/PLAH, dated 11 July 2016, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No. SL01 dated June 2016 and Dwg No. SL03 dated November 2016.

Main Issues

2. The main issues are the effect of the development on, firstly, the living conditions of adjacent occupiers and, secondly, flooding risk.

Reasons

3. The appeal property is a maisonette located at the western end of run of similar properties situated within an established residential area close to the town centre of Leatherhead. This is thus an area where the principle of new additions to existing dwellings would normally be acceptable. This is supported by the appellant's evidence which shows the Council has supported similar rear additions at 15 and 39 Minchin Close.
 4. The scheme seeks the erection of a modest rear conservatory which would be sited within the recessed area currently occupied by a patio. It would be offset from the boundary with the neighbouring property (No 44). Consequently the development would not extend beyond the existing rear wall of the host dwelling.
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5. Policy ENV22 of the "*Mole Valley Local Plan 2000*" (the LP) states that new development should not significantly (my emphasis) harm the amenities of neighbouring occupiers. No 44 is set back slightly from the No 43. However the boundary is demarked by a brick wall on top of which stands a timber fenced with a trellis top. According the appellant the height of the fence and wall is 1.8m. At its highest point, the mono-pitch conservatory roof would be approximately 2.6m high.
6. As I saw when I visited the site, the height of the existing boundary fence is such that only the upper portions of the conservatory would be visible from No 44. There is nothing before me to suggest the conservatory would be lit excessively or that future occupiers would be inconsiderate towards their neighbours. On this basis alone I fail to comprehend how the Council arrived at the view that the conservatory would significantly harm the amenities of the occupiers of No 44.
7. In coming to that view I accept that, in theory at least, the glazed roof could result in light spillage to the upper floor windows of No 44. However I find it unlikely that this would be perceptible through drawn curtains. It is also pertinent that no permission would be required to fit a floodlight to the existing patio which would have a similar effect.
8. I am mindful that the site is currently used as a patio which is likely to generate a certain level if not more noise and disturbance than an enclosed conservatory. Based on the above, I conclude that the development would not harm the living conditions of adjacent occupiers with particular regards to light pollution and noise disturbance. There would thus be no conflict with Policies ENV22 and ENV 32 of the LP.

Flood risk

9. The appeal property is located a short distance from the River Mole and is in an area liable to flood. However, the conservatory would not be sited any nearer to the river than the existing property. Nonetheless the Council argue there is insufficient information to assess the potential flooding impact of the conservatory.
10. Policy CS20 of the "*Mole Valley Local Development Framework Core Strategy 2009*" (the CS) states that applications will be determined in accordance with advice in the now defunct Planning Policy Statement 25. Advice in the "*Planning Practice Guidance*" and "*National Planning Policy Framework*" (the Framework) states that information requirements should be proportionate to the nature and scale of development and the degree of flood risk. They go on to state that regard should be had to the advice of the Environment Agency and where the development is an extension to an existing house the local planning authority would generally need a less detailed assessment to be able to reach an informed decision on the planning application.
11. The Environment Agency's "*Minor Extension Standing Advice Note*" states that finished floor levels should be no lower than those of the existing property or 300mm above the estimated floor level. The appellant has submitted a drawing with the appeal documentation demonstrating that the floor level of the conservatory would be the same as the existing dwelling. It also confirms that flood resilience measures in the form of flood gates will be fitted to the conservatory as well as the existing rear door.

12. Based on the foregoing, I am satisfied that the development would be compliant with the Environment Agency's Standing Advice and that the risk of flooding to occupiers of the property would be no greater than existing. I therefore conclude there would be no conflict with the aims of Policy CS20 of the CS or the Framework with regard to flood prevention.

Conclusion

13. The Council has not suggested any planning conditions. I have therefore imposed a standard implementation condition in addition to one specifying the approved plans as these provide certainty and are necessary in the interests of flood prevention.
14. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector