

Appeal Decision

Site visit made on 1 February 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 21st February 2017

Appeal Ref: APP/K3605/D/16/3162406

11 Albany Road, Hersham, Walton-on-Thames, KT12 5QG

- 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 & Mrs Shamtally against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1616 dated 16 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is '*Construction of a new garden room and front boundary wall.*'
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Decision

1. The appeal is allowed and planning permission is granted for a front outbuilding, and also a front boundary wall to a maximum height of 1.9m at 11 Albany Road, Hersham, Walton-on-Thames, KT12 5QG, in accordance with the terms of the application Ref 2016/1616, dated 16 May 2016.

Procedural Matters

2. The Council has raised an objection only in respect of the outbuilding, and does not take issue with the new front boundary wall. I agree with this approach and, accordingly, I have limited my assessment to that of the outbuilding.
3. The Council's decision notice refers to the application being retrospective and, at my site visit, I noted that both elements of the proposal are in situ, and accord with that shown on the submitted plans. Nonetheless, I am required to assess the development as a proposal to build. I have also slightly changed the proposal's description to focus more closely on the actual development involved.

Main Issue

4. As the Council does not consider that the outbuilding has unduly affected the living conditions of surrounding occupiers the main issue in this appeal is therefore the proposal's effect on the character and appearance of the surrounding area.

Reasons

5. Albany Road is almost entirely comprised of pairs of Edwardian dwellings and this predominant character has allowed for a common front building line on
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both sides of the street. The exception is the appeal property which comprises a much wider curtilage with its dwellinghouse, of greater age than those typical along the street, set back towards its northern boundary. As such its garden is almost wholly situated to the front of the house where the outbuilding, used in an ancillary capacity is situated. Set back slightly from the boundary wall, the timber framed building is to a width of some 5m and stands to a height of approximately 2.4m with a flattish roof. It is visible above the 1.9m high boundary wall, and can be glimpsed when walking eastwards along the street if looking in towards the property's driveway. However, views are somewhat obscured by vegetation with trees and bushes partly screening the building. A high hedge also exists at the common boundary with the adjacent property, No 13. Moreover, new planting is evident directly behind the boundary wall which effectively performs a screening function.

6. The most relevant local policies to measure this development against are Policy DM2 of the Elmbridge Development Management Plan (DMP) and Policy CS17 of the Council's Core Strategy (CS). Both seek high quality design, consistent with the scale and character of the immediate area, the prevailing pattern of development and also the dwelling itself. Further, the latter policy comments that development such as this should enhance the streetscene. In this particular instance it would seem apparent that the dwelling's setting, anomalous in the context of the local development pattern, has dictated the positioning of the outbuilding. However, even though it is incongruous to the prevailing pattern the appeal property is the only site along the street which realistically allows for a substantial boundary enclosure. Further, notwithstanding the screening, the outbuilding behind is modest in its setting and has been painted to blend in with both the boundary wall and the rendered dwelling beyond to the rear. In this context, I consider that the development has a neutral impact on the streetscene and although it could not be said to represent an enhancement thereto its existence has not caused harm.
7. I thereby conclude that the development is not harmful to the character and appearance of the surrounding area, and there is no material conflict with DMP Policy DM2, CS Policy CS17 or relevant advice within the National Planning Policy Framework.
8. For the above reasons, and having had regard to all matters raised, the appeal succeeds. Given that the development, as originally applied for, is already in situ it is not necessary to impose any planning conditions.

Timothy C King

INSPECTOR