

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/16/3164233

13 Brookfield Gardens, Claygate, Surrey, KT10 0DS

- 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 Jonathan Stokes against the decision of Elmbridge Borough Council.
 - The application Ref 2016/2252 dated 2 May 2016, was refused by notice dated 5 October 2016.
 - The development proposed is '*Ground floor rear extension, front porch, revised vehicular hardstanding.*'
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Decision

1. For the reasons that follow I dismiss the appeal insofar as it relates to the ground floor rear extension. I allow the appeal, however, insofar as it relates to the remainder of the application and grant planning permission for a front porch and vehicular hardstanding at 13 Brookfield Gardens, Claygate, Surrey, KT10 0DS, in accordance with the terms of the application Ref 2016/2252, dated 2 May 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. PBG/0216/1, PBG/0216/2A and PBG/0216/4.
 - iii) The materials to be used in the construction of the external surfaces of the porch extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council has raised an objection only in respect of the proposed single-storey rear extension. I agree with this approach and, accordingly, I have limited my assessment solely to that element of the proposal.

Main Issue

3. The main issue in this appeal is the proposal's effect on the living conditions of neighbouring residential occupiers, specifically those at the adjoining property No 15 Brookfield Gardens.
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Reasons

4. The appeal property, a two-storey, post-war, dwelling lies at the southern end of a terrace of four similar such properties, none of which have been extended to the rear. The proposal seeks planning permission for a full width, single-storey rear extension which, although it would run to a maximum depth of 4m, would be stepped back to 3m along the common boundary between Nos 13 and 15. Following a set-in of 1m its depth would then increase to 4m.
5. The Council's concern relates to the considered resultant loss of light to the window lighting No 15's nearest habitable room window at ground floor level. I accept the appellant's point that under householder permitted development entitlement a single-storey extension to a maximum of 3m depth could be built up to the boundary with No 15. However, I have similar concerns to the Council that, despite the proposed staggered arrangement, the extension would appear overbearing and impact adversely on No 15 in that light entry would be restricted as a consequence. The unfavourable orientation, with No 15 sitting north of the appeal property only reinforces this view.
6. I have had regard to the appellant's illustrative diagrams in his appeal papers as an attempt to show that there would be no additional impact arising from the proposal than that resulting from a single storey extension not exceeding a depth of 3m. However, I find the diagrams to be somewhat rough and not compelling in their purpose. Further, I am mindful that these illustrations were apparently only submitted following the Council's decision to refuse planning permission and, as such, it has not had a chance to comment on the appellant's findings. In this regard, given that planning permission had been refused for a similar scheme earlier in 2016, with one of the reasons for refusal mentioning that the standard 45 degree light test would be breached by the proposal I consider that the appellant, by way of a response, should have supplemented the revised planning application with clear evidence to the contrary, should it exist, to show otherwise.
7. Following my site visit I did witness a similar rear extension to that proposed elsewhere on the surrounding estate. However, this particular extension appeared to be situated at the northern end of its terrace, which would suggest that its effect on the adjoining property would be less pronounced. Further, the existence of any possible parallel developments does not outweigh the harm I have identified would potentially result from the current proposal.
8. In the circumstances I conclude that, from the evidence before me, the development would be harmful to the living conditions of neighbouring residential occupiers, and this would materially conflict with the aims and requirements of Policy DM2 of the Council's Development Management Plan and advice provided within the Council's Supplementary Planning Document 'Design and Character' which, amongst other things, both seek to protect the amenities of adjoining occupiers. Neither would it accord with relevant advice within the National Planning Policy Framework.
9. The proposed single-storey rear extension is severable from the remainder of the proposal. As such, for the above reasons given above, I conclude that the appeal should succeed in relation to the proposed front porch, but is unsuccessful in respect of the rear extension. In terms of conditions, in the

interests of certainty, I impose a condition requiring that the development be built in accordance with the approved plans. Also, to ensure a satisfactory appearance I impose a condition requiring the use of matching external materials.

Timothy C King

INSPECTOR