



Appeal Decision

Site visit made on 20 February 2017

by Christa Masters MA (hons) MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/K3605/D/16/3165061

66 Rectory Lane, Long Ditton, Surbiton KT6 5HW

- 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 Steinbarth against the decision of Elmbridge Borough Council.
 - The application Ref 2016/2379, dated 19 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is demolition of existing rear garage and rear conservatory and erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear garage and rear conservatory and erection of single storey rear extension at 66 Rectory Lane, Long Ditton, Surbiton KT6 5HW in accordance with the terms of the application, Ref 2016/2379, dated 19 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 approved plans listed: 046-P-001, 046-P-002, 046-P-003, 046-P-004, 046-P-005, 046-P-006, 046-P-007.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Main Issue

2. The effect of the proposal on the living conditions of the existing and future occupiers of No 68 Rectory Lane.

Reasons

3. The appeal site comprises a semi-detached residential dwelling. The existing property has a rear conservatory and also a detached garage positioned to the rear of the dwelling. The properties are generally similar in scale and design however there are a number of rear extensions of varying styles and design evident.
 4. The proposed extension would be a single storey structure which would replace the existing conservatory and detached garage. It would have a depth of 5.3m and an eaves height of 2.4m. In my estimations, the existing conservatory would be readily visible from the rear windows and garden of No 68. I also acknowledge that the flank elevation of the extension would be partially visible
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above the boundary treatment from both the rear garden and rear windows of No 68. However, in common with the surrounding properties, the positioning of the windows to No 68 mean that the primary outlook from this property is directly over the rear garden and this would not in my view alter as a result of the appeal proposal. Given the modest height of the extension proposed as well as the existing boundary treatment in place, I am unable to agree that the extension would have an overbearing impact or amount to material harm.

5. The appellant has advised that a decision notice was issued in relation to a prior approval application made for a single storey rear extension. I have been provided with the decision notice and relevant plans for this decision. I note that in the circumstances of this appeal, this prior approval would permit the construction of a taller and deeper extension than the appeal proposal before me. In my view, this would have a greater impact on the living conditions of the existing and future occupiers of No 68 and in the circumstances of this appeal, I have attached weight to this fall back position.
6. In conclusion, I am of the view the proposal would not cause material harm to the living conditions of the existing and future occupiers of No 68 Rectory Lane. As such, the proposal would accord with policy CS17 of the Elmbridge Core Strategy (CS) 2011 which advises, amongst other things, that proposals should deliver high quality design which protect the amenities of those within the area. The Council have also referred to policy CS8 of the CS. However, taking into account the policy wording, I am not convinced that this policy is directly applicable to the main issue before me.
7. In addition, the proposal would also accord with policy DM2 of the Development Management Plan 2015 which advises that proposals should protect the amenity of adjoining and potential occupiers. These policies accord with the broad objectives of the Framework and in particular paragraph 17 which states that proposals should always seek to secure a good standard of amenity for all existing and future occupants.
8. Reference has also been made to the Supplementary Planning Document entitled Design and Character, 2012. However, my attention has not been drawn to anything specific within this document which would alter my conclusions on the main issue before me.

Conditions

9. I have had regard to the conditions suggested by the Council in light of paragraph 206 of the Framework. A condition limiting the life of the permission is necessary. I also agree it is necessary to specify the approved plans for the avoidance of doubt and in the interests of the proper planning of the area. The Council have suggested a condition that all of the materials to be used shall match those on the existing building. I agree such a condition is reasonable and necessary in order to ensure the appearance of the development is satisfactory.

Conclusion

10. For the reasons outlined above and taking all other matters into account, the appeal is allowed.

C Masters

INSPECTOR