

Appeal Decision

Site visit made on 10 February 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/K3605/D/16/3161512

10 Church Road, East Moseley, Surrey, KT8 9DR

- 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 Natalie Dejahang against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1349, dated 25 April 2016, was refused by notice dated 13 September 2016.
 - The development proposed is '*Construction of a new single-storey playroom to the rear of the garden.*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my site visit I noted that the proposed outbuilding has already been constructed and appears substantially complete. Nonetheless, I am required under the relevant legislation to treat the development as a proposal rather than as a retention thereof.
3. As the development is not visible from the streetscene the Council does not consider that the proposal would affect the character or appearance of the East Moseley (Kent Town) Conservation Area within which the appeal site falls. Nonetheless, I have still had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. My findings in this regard are consistent with the Council's approach.

Main Issue

4. The main issue is the proposal's effect on the living conditions of neighbouring occupiers, particularly those residing at the adjacent property, No 3 Harrow Gardens.

Reasons

5. The appeal dwelling is a two-storey dwellinghouse, whose long, narrow, rear garden turns in a dog-leg fashion to end at the common boundary with No 3 Harrow Gardens. The outbuilding has been constructed in this area close to the common boundaries with the adjoining properties. From the rear garden of the
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appeal site I viewed the outbuilding in situ noting its proximity to the surrounding gardens given the narrow width of this section of garden. The building's height relative to the boundary enclosures on either side of the garden was particularly apparent.

6. Given the closeness to the boundaries it was not possible for me to view the relationship with No 3, beyond. However, a fuller picture was gained with reference to a photograph produced by an interested party showing how the outbuilding appears from No 3's rear garden. The common boundary fence is to a height of 1.8m yet the building, set back into the appeal site by only some 0.9m, rises to approximately 3m in height. In the circumstances I consider that the building's height, compounded by the closeness, gives rise to an overbearing and unneighbourly form of development.
7. The appellant makes reference to the fallback position whereby an outbuilding not exceeding 2.5m in height may be erected within 2m of its common boundaries without the need for planning permission and comments that the additional 0.5m represents only a marginal increase. Although the dimensional criteria is correct I must disagree with the appellant's assessment as I consider that, in its particular setting, the outbuilding would be harmful to the visual amenities of the occupiers of No 3 due to its apparent intrusiveness. Although I acknowledge that the development has been constructed of high quality materials this does not mitigate against the harm I have identified.
8. I conclude that the proposal would be harmful to the living conditions of neighbouring occupiers, and this materially conflicts with the aims of Policy CS17 of the Council's Core Strategy, Policy DM2 of the Council's Local Plan Development Management Plan and also relevant guidance within the National Planning Policy Framework.
9. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR