

Appeal Decision

Site visit made on 2 March 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 22 March 2017

Appeal Ref: APP/K3605/D/16/3166083

10 Kent Road, East Molesey KT8 9JZ

- 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 Kay Greetham against the decision of Elmbridge Borough Council.
 - The application Ref: 2016/2404 dated 8 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is remodelling existing extension to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for remodelling existing extension to the rear of the property at 10 Kent Road, East Molesey KT8 9JZ in accordance with the terms of the application, Ref: 2016/2404 dated 8 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; P200; P100, P101, P102, P103, P104, P105, P106, and P107.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, or as set out on the planning application form dated 8 August 2016.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the neighbours at No 12 Kent Road, with particular regard to effect on outlook and daylight/sunlight.

Reasons

3. The appeal property is a semi-detached house on the west side of Kent Road within a predominantly residential area, and within the East Molesey (Kent Town) Conservation Area. The property has previously been extended and the proposal seeks, as part of refurbishment works, to remodel the rear/side extension and increase the height of this element to 3.8m under a flat roof.
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4. The neighbouring property to the north at No 12 Kent Road has an existing conservatory which wraps around the rear outrigger, with windows to the side facing towards the appeal property and around the rear facing towards the garden. There is also a high level window on the north facing elevation and the conservatory has an obscure polycarbonate (or similar) glazed roof. The conservatory accommodates the kitchen as well as an eating and living area and is, in my view, a habitable room.
5. The outlook from the side windows of the conservatory is already compromised by the proximity, length and height of the existing house and extension at No 10. Whilst the outlook would be further affected by the additional height of the proposal, given the range of windows and openings in the conservatory, including towards the rear garden, I am not persuaded that the change in outlook from the side windows of the conservatory would be sufficient to result in an unacceptable effect on the neighbours' outlook and lead to the refusal of planning permission.
6. The Council has referred to the infringement of the 25 degree line and this has also been referenced by the neighbours with their own assessments in this matter, but no party has provided me with any technical information in this regard and has each presented a slightly different position in terms of the existing versus the proposed position. Moreover, this assessment is usually used as a 'rule of thumb' and an initial indication of effect on light rather than outlook. In that regard, the neighbours have submitted a detailed assessment of the effect that they have calculated from the proposed development on sunlight to the conservatory. I have been provided with detailed calculations and a bar chart summary, although these in places appear in places to show different results. On the basis of the information provided and my site visit I agree that the proposed extension would result in some adverse effect on sunlight to the conservatory. However, I agree with the conclusion reached by the Council that the effect would be limited and would not be sufficient to result in a harmful effect on the living conditions of the neighbours.
7. More generally in terms of light, I agree with the neighbours that there would be some effect on light, particularly to the side facing windows. However, given the form of the conservatory and its extensive glazing, and in particular that the side windows are not the only source of light to this room, I do not consider that the effect on light would materially affect their living conditions. The Council also did not raise effect on light as a reason for refusal.
8. I therefore conclude that the living conditions of the neighbours at No 12 Kent Road would not be materially affected as a result of the proposal before me, with particular regard to effect on outlook and light. There would be no conflict with Policy DM2 of the Council's adopted Development Management Plan 2015, Policies CS7 and CS17 of the adopted Core Strategy 2011, Elmbridge Design and Character Supplementary Planning Document and the National Planning Policy Framework, all of which, amongst other things seek to secure both a high standard of design and a good standard of amenity for all existing and future occupants.

Other Considerations

9. The appeal property lies within the East Molesey (Kent Town) Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. I am satisfied that, in the context of the range of extensions found to the rear of the existing properties, and the relationship of the proposal with the existing property, the development proposed would preserve the existing character and appearance of the Conservation Area. The Council has also raised no issue in this regard.
10. In terms of conditions, matching materials with the existing dwelling are required in the interests of protecting the character and appearance of the existing property and of the local area. However, I have noted that the Appellant proposes different materials for the doors and windows to the existing materials. I consider that these proposals would respect the character and appearance of the existing property and locality. I have therefore worded the condition to require the materials to be used in the external surfaces of the development to match those used in the existing building, or as set out on the planning application form. I shall also add a condition to list the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

11. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR