
Appeal Decision

Site visit made on 8 May 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/K3605/D/17/3172679

20 Cranley Road, Hersham, Walton on Thames KT12 5BP

- 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 Ernie Graham against the decision of Elmbridge Borough Council.
 - The application Ref 2016/3409, dated 18 October 2016, was refused by notice dated 13 March 2017.
 - The development proposed is described as a new garage for the storage of classic rally cars and a proposed new motorhome port.
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Decision

1. The appeal is allowed and planning permission is granted for a new garage for the storage of classic rally cars and a proposed new motorhome port at 20 Cranley Road, Hersham, Walton on Thames KT12 5BP in accordance with the terms of the application, Ref 2016/3409, dated 18 October 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 following approved plans: 1403-OSM; 1603-02 B; 1603-SU-01; 1603-SU-02; 1603-SU-03.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the submitted application forms or such other materials as have been previously approved in writing by the local planning authority.
 - 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and shall be retained until the scheme is complete and all machinery and materials associated with the works have been removed.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 5) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 6) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Preliminary Matters

2. The Council's documents make it clear that they do not seek to oppose the proposed new motorhome port and only object to the proposed garage. I shall deal with the appeal on this basis.

Main Issue

3. The main issue in this appeal is whether the proposed garage would give rise to noise and disturbance to the detriment of neighbours.

Reasons

4. The appeal site comprises this large detached house set within generous and mature gardens. The surrounding area contains similar properties although of different designs.
5. The proposed garage has been designed to accommodate 3 cars and it would be sited in a far corner of the rear garden. The garden is separated from the neighbouring plot at No 18 by a tall, dense, evergreen hedge supplemented by trees.
6. At my site visit I could see that No 18 is set further back than no 20 and so would be closer to the proposed garage. However, I consider that the normal domestic use of the garage would not give rise to any unreasonable noise or disturbance. In addition, the retention of the evergreen hedge would go some way to disguise or reduce any activity within the appeal site. In this way I consider that the proposal would not give rise to any unreasonable effects on the living conditions of neighbours.
7. The appellant refers to a possible fall-back position whereby he would be able to erect a similar structure, albeit marginally lower in height (the proposal would be 3.7m the permitted development limit is stated to be 3.0m) without the need for planning permission. The Council appears to acknowledge that this would be possible. Whilst I have found the appeal scheme acceptable on its own merits, I consider that the availability of such a fall-back option, wherein the level of any noise or disturbance would be the same, strengthens my finding. As a result, I find no conflict with Policies CS5 and CS17 of the

Core Strategy, Policy DM2 of the Elmbridge Development Management Plan or the Elmbridge Design and Character SPD.

8. In relation to conditions, I have considered the justification for these in relation to the advice in the national Planning Practice Guidance. A condition relating to compliance with the approved plans is necessary so that the scheme is constructed in its approved form. The control over the materials is justified so that the proposal has an acceptable impact on the area. I shall include conditions relating to the protection of trees within the site due to the contribution that they make to the area, although I have made alterations to those suggested by the Council as some of the requirements were unduly onerous and not justifiable. The Council has suggested a condition which would require that the proposed garage should be used only for use as a garage. Given that the property benefits from another garage and ample space within its curtilage for parking, such a condition is not justified.

Conclusion

9. For the reasons set out above, the appeal is allowed.

S T Wood

INSPECTOR