

Appeal Decision

Site visit made on 13 June 2017

by K E Down MA (Oxon) MSc MRTPI MRSB

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

Decision date: 28th June 2017

Appeal Ref: APP/K3605/D/17/3173514
40 Station Road, Thames Ditton, KT7 0NS

- 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 Rosie Stephens against the decision of Elmbridge Borough Council.
 - The application Ref 2016/3475, dated 22 October 2016, was refused by notice dated 31 January 2017.
 - The development proposed is a loft conversion and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion and side extension at 40 Station Road, Thames Ditton, KT7 0NS in accordance with the terms of the application, Ref 2016/3475, dated 22 October 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: 330-P-10-A, 330-P-15-C, 330-P-16-A, 330-P-20-A, 330-P-21-A, 330-P-30-B, 330-P-31-B, 330-P-41-H and 330-P-42-E.
 - 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.
 - 4) The loft conversion hereby permitted shall not be occupied until the second floor windows on the east and west elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 5) The side extension hereby permitted shall not be occupied until all flood mitigation measures as set out in the submitted Flood Risk Assessment have been implemented in accordance with the submitted details. The mitigation measures shall be retained thereafter.
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Main Issue

2. There is one main issue which is the effect of the proposed rear dormer windows on the character and appearance of the host dwelling and the surrounding area, including the Thames Ditton Conservation Area.

Reasons

3. The appeal dwelling is a large, traditional, detached house with a steep pyramid roof incorporating a small dormer window in each of the front and rear elevations. The proposed development comprises a hip to gable roof conversion, the insertion of two roof lights and a central dormer with a hipped roof on the front roof slope and two dormers with hipped roofs on the rear roof slope. A narrow two storey side extension would replace an existing wider single storey side projection.
4. The Council does not object to the two storey side extension, which would stand just under 1m from the side boundary, or to the hip to gable conversion and the proposed front dormer and roof lights. I agree that these would be acceptable in the context of the appeal dwelling and the local area. I shall therefore restrict my further consideration to the proposed rear dormer windows which are the subject of the Council's reason for refusal.
5. Each dormer window would be some 2.55m wide and 1.7m high, plus the pitched roof. Together they would occupy just over half the width of the roof slope. Owing to their size and the hip to gable conversion the roof of the dwelling would become a noticeably more dominant feature of the dwelling and would be materially different from the existing pyramid roof. Nevertheless, the dormers would be sympathetically designed to respect the architecture of the host dwelling, set well in from the gable ends as well as up from the eaves and down from the ridge and there would be a noticeable gap between them, ensuring that they did not appear out of proportion with the roof or dwelling as a whole. Moreover, they would comply with guidelines set out in the Council's Design and Character Supplementary Planning Document (SPD), 2012.
6. Although the immediately adjacent dwellings retain their original small dormers, others in the street at Nos 50, 52 and 54, visible from the garden of the appeal dwelling, have large rear dormers. In the context of this existing development the proposed dormers at No 40 would not appear overly large or out of keeping with other dwellings in the street. Overall, I therefore find them acceptable additions.
7. The Thames Ditton and Weston Green Residents Association, the Thames Ditton CAAC and a number of residents express concern about the effect of the proposed development on the character and appearance of the Thames Ditton Conservation Area (CA) which lies to the north of the appeal dwelling, with its boundary following the boundary between gardens in Station Road and those of dwellings in Church Walk to the rear. However, the distance between the edge of the CA and the development, some 53m, the intervening vegetation, including mature trees, and the limited public views from Church Walk would ensure that there was no material effect on the CA or its setting or to views from it.

8. It is concluded on the main issue that the proposed rear dormer windows would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area, including the Thames Ditton CA. In consequence the proposed development would comply with policies DM2 of the Elmbridge Development Management Plan (DMP), 2015, policies CS8 and CS17 of the Elmbridge Core Strategy, 2011, the SPD and the National Planning Policy Framework which, taken together, expect new development to achieve a high quality of design, based on an understanding of local character, such that the character of the area and the architectural quality of the buildings is preserved or enhanced and the development integrates sensitively with locally distinctive townscape, including heritage assets.
9. The Council's refusal notice also refers to DMP Policy DM7. However, this policy relates to access and parking which does not appear to be relevant to the appeal proposal.
10. Neighbouring occupiers raise concerns regarding overlooking and loss of privacy. With regard to properties to the rear in Church Walk, views would be distant and largely obscured by intervening vegetation such that no loss of privacy would occur to either the dwellings or their gardens. With respect to adjacent dwellings in Station Road, the proposed rear dormers would allow overlooking into garden areas on either side. However, the degree of overlooking would not be materially greater than already occurs from first floor rear windows in the appeal dwelling. I am therefore satisfied that there would be no material loss of privacy to neighbours in Station Road.
11. In addition to the statutory commencement condition, the Council suggests four further conditions. Firstly, a condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty. Secondly, a condition requiring the use of matching materials is needed to protect the character and appearance of the appeal dwelling and the surrounding area. Thirdly, a condition requiring obscure glazing and limited opening in the proposed second floor side facing windows is necessary to preserve the privacy of neighbouring occupiers. Finally, since the appeal site lies within flood zone 2 a condition requiring the implementation and retention of mitigation measures set out in the submitted Flood Risk Assessment is necessary to ensure that the proposed development does not increase the risk of flooding at the appeal site or elsewhere.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR