

Appeal Decision

Site visit made on 26 July 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 10 August 2017

Appeal Ref: APP/K3605/D/17/3176207

37 Shaw Drive, Walton on Thames KT12 2LP

- 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 Ms Anna Rudzka against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0762, dated 7 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is the erection of a single storey side extension and conservatory to the rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area; (b) the living conditions of the occupiers of surrounding properties and (c) the risk of flooding.

Reasons

Character and Appearance

3. The appeal property is predominantly a modest sized 2-storey corner dwelling which adjoins a garage with a flat above. The accommodation includes a bedroom at first floor level within a link building between the property and 35 Shaw Drive which, itself, is part of a short terrace of other modest sized dwellings. The void under the link building is a pedestrian, rather than vehicular, access to a rear external parking area. The property is situated within a predominantly residential area which comprises 2 and 3 storey properties and there are examples of vehicular accesses to rear parking areas under link buildings.
 4. The proposed development includes 2 separate elements comprising a single storey conservatory and a 2-storey/single storey extension. The Council has not objected to the proposed design and siting of the conservatory and, based upon the site visit, there are no reasons for me to adopt a contrary assessment.
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5. The proposed extension would partially occupy some of the void below the link building and project along the north east elevation of the property (north western elevation on the submitted drawings). By reason of siting, views of the proposed extension would be mainly confined to the parking area and the rear gardens of nearby dwellings. When viewed from Shaw Drive the reduction in the width of the void below the link building would not be particularly conspicuous.
6. However, the scale of the proposed extension would result in a significant increase in the footprint and floorspace of the host property. The proposed extension would be a disproportionate and bulky addition which would dominate and overwhelm this modest sized property. The size of the resulting property would not respect the proportions, character and appearance of the adjoining similarly modest sized dwellings.
7. On this issue, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with Policy CS17 of the Elmbridge Core Strategy (CS), Policy DM2 of the Elmbridge Development Management Plan (DMP) and the *Elmbridge Design and Character Supplementary Planning Document* (SPD). Amongst other matters these policies require development to be of a high quality of design, to take into account the scale, appearance and pattern of built development and not dominate or overwhelm the host building. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design. No specific conflict has been identified with CS Policy CS3 concerning development aspirations at Walton on Thames.

Living Conditions

8. At ground floor level, the openings in the rear of 35 Shaw Drive serve a kitchen/dining room and, by reason of width, the garden is not particularly large. The side elevation of the proposed extension would be sited about 2½ metres from the flank wall and garden boundary fence of No. 35.
9. Although no details have been provided, the site visit indicated that the 2-storey element of the appeal scheme would not encroach into a line drawn at 45° from the edge of the nearest ground floor opening of No. 35. This is a standard referred to in the SPD. The single storey element of the proposed side extension would encroach into this line but the SPD also refers to each application being treated on its own merits and for the specific characteristics of the site and the relationship to the adjoining properties to be taken into account.
10. By reason of siting and height, the appeal property already has some impact on levels of sunlight reaching the rear of garden of No. 35. The separation distance and height of the single storey element of the proposed extension would not alter the existing situation. The single storey element would be visible from the rear windows and garden of No. 35 but it would be sited some 2½ metres from the boundary. Accordingly, this element of the proposed extension would not be an overbearing form of development and would not materially alter existing levels of daylight and sunlight reaching the rear windows and garden of No. 35.

11. The 2-storey element of the proposed extension would not be particularly visible from the rear windows of No. 35 and would be sufficiently sited away from the boundary so as not to be an overbearing form of development. This element of the appeal scheme could have a limited effect on sunlight reaching the rear garden because of the increase in the height and bulk of the resulting property. However, on its own, this would not amount to a reason for this appeal to fail because the degree of harm would not be significant.
12. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would not conflict with CS Policy CS17, DMP Policy DM2 and the SPD concerning protecting the amenity of adjoining occupiers and those living in the area. These policies are consistent with the Framework's core strategy of a good standard of amenity for all existing and future occupants of land and buildings. No specific conflict has been identified with CS Policy CS3.

Flood Risk

13. The property is identified by the Council to be in a location which is susceptible to surface water flooding as opposed to fluvial flooding. The appeal application was not supported by details concerning the sustainable management of surface water run-off associated with any increase in non-permeable surfaces. However, during the site visit it was noted that the proposed extension would substantially be erected on non-permeable areas comprising tarmac and an area of stones with what appears to be a compacted surface below. The proposed conservatory would involve, in part, development on a patio area with only the loss of a small area of lawn.
14. This is a case where there would be minimal additional surface water run-off associated with an increase in non-permeable areas. Any increase in surface water run-off and the design of a suitable drainage scheme could be addressed by a condition. For the reasons given, it is concluded that the proposed development would not increase the risk of flooding and, as such, it would not conflict with CS Policy CS26 and the Council's *Flood Risk Supplementary Planning Document* which seeks to reduce flood risk and promote sustainable forms of surface water drainage.

Conclusion

15. Although the proposed development would not cause harm to the living conditions of the occupiers of neighbouring properties and would not increase the risk of flooding this is a case where the unacceptable harm which has been identified demonstrably and significantly outweighs these issues. Accordingly, and taking into account all other matters, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR