
Appeal Decision

Site visit made on 26 September 2017

by Michael Boniface MSc MRTPI

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

Decision date: 28th September 2017

Appeal Ref: APP/K3605/D/17/3181020

26 Thames Street, Walton-on-Thames, KT12 2PS

- 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 Darren Blake against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0765, dated 13 March 2017, was refused by notice dated 5 May 2017.
 - The development proposed is demolition of the existing lean-to extension and construction of a new single storey rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing lean-to extension and construction of a new single storey rear and side extension at 26 Thames Street, Walton-on-Thames, KT12 2PS in accordance with the terms of the application, Ref 2017/0765, dated 13 March 2017, 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: 0010-GA, 0020-GA, 0040-GA, 0200-GA and 0400-GA.
 - 3) The external surfaces of the development hereby permitted shall be constructed using materials matching that of the existing building.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring occupants at 28 Thames Street.

Reasons

3. The proposed addition would extend to a depth of 3.8 metres along the boundary with No 28 and stand at a height of 3 metres, incorporating a flat roof. The extension would be deeper than the existing lean-to extension to be demolished and taller in part, where the sloping roof reduces to eaves level. That said, it would be significantly lower than the highest point of the existing extension which also stands directly adjacent the boundary.
4. Some additional overshadowing may result to the adjacent property but equally there is likely to be some improvement in the amount of sunlight that can pass

over the top of the building and reach the large glazed doors in the rear elevation of No 28. The extension would breach a 45 degrees angle from the centre of the neighbouring window but this would also be the case for the extension granted planning permission by the Council and the existing extension. Importantly, a 45 degrees angle on elevation would clear the top of the proposed extension, indicating that sunlight is likely to be able to pass over it without undue overshadowing.

5. The orientation of the dwellings is such that their rear elevations only receive direct sunlight for short periods of the morning before the sun's path takes it around the building. As such, any additional overshadowing will only have an effect for a short period of the day. Noting the potential for both losses and gains in sunlight from different parts of the proposal, I do not consider that the development would have any discernible impact on the amount of sunlight or daylight received by the neighbouring property, particularly given the large size of the opening at ground floor level. Living conditions would not be harmed.
6. As such, I find no conflict with Policy CS17 of the Elmbridge Core Strategy (2011); Policy DM2 of the Development Management Plan (2015); the Elmbridge Design and Character Supplementary Planning Document (2012); or the National Planning Policy Framework, in so far as they seek to maintain good living conditions for existing and future occupants of land and buildings.
7. The Council has suggested a number of conditions in the event that planning permission is granted. In addition to the standard time period for commencement of development, I have attached a requirement for accordance with the approved plans in the interests of certainty. It is also necessary to ensure the use of materials matching the existing building so as to achieve a suitable appearance for the development.
8. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR