



Appeal Decision

Site visit made on 17 October 2017

by Rory MacLeod BA MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/K3605/W/17/3179395

69 Telegraph Lane, Claygate, Esher Surrey KT10 0DT

- 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 D Easteal against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0736, dated 6 March 2017, was refused by notice dated 25 April 2017.
 - The development proposed is single storey rear extension with flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The extension the subject of this appeal is already in existence and permission sought for its retention. A Prior Approval application for a similar single storey rear extension but with a pitched roof has been approved, but the extension was subsequently built with a flat roof.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of adjoining properties.

Reasons

4. The appeal relates to 69 Telegraph Lane, a semi-detached two storey house paired with no.71 and with a passageway to the other side shared with no.67. These form a central part of a row of ten similar semi-detached houses most of which have garages in the rear part of the back gardens facing the shared passageways. There is a detached outbuilding at the appeal site replacing the former garage and set behind the garage at no.67.
5. The rear extension has a depth of about 3.6m and extends across the full width of the house but is set in by some 0.25m from the boundary fence with no.71. It has a flat roof with a central roof light. The plans show the flat roof to be 2.93m high with parapet walls to both sides rising to 3.34m high.
6. The fenestration to the living room at the back of no.71 comprises a central glazed door with a window to both sides in an opening some 2m in width. There is a separation to the boundary fence to no.69 of about 0.5m from the nearest window. The outlook from the room is on to the flank wall of the extension rising substantially over the top of the boundary fence. The

extension forms a conspicuous feature by reason of its depth and height, particularly by the height of the outer face of the parapet wall. The extension is to the south of no.71's living room and casts a shadow in this direction during afternoon hours resulting in some loss of natural light.

7. The orientation is more favourable for the occupiers of no.67 in relation to overshadowing and there is also greater separation to the extension across the shared passageway. The outlook from the kitchen, the nearest ground floor window at no.67, towards the extension is also screened to some degree by the side boundary fence to the passageway. Nonetheless the rear wall of no.67 is set behind that of no.69 by about 1.5m, accentuating the perceived depth of the extension and the parapet wall is still a conspicuous feature from some positions in view of its height.
8. Policy DM2 (Design and amenity) of the Elmbridge Local Plan Development Management Plan 2015 requires new development to be designed to offer an appropriate outlook and provide adequate daylight, sunlight and privacy for the occupiers of adjoining properties. The Design and Character Supplementary Planning Document (2012) (SPD) Home Extensions Companion Guide encourages the application of a '45° angle' test in relation to light loss for single storey extensions greater than 3m in depth. The extension would not satisfy this test when measured from the nearest edge of the living room window at no.71. In my opinion, the proposal conflicts with both policy DM2 and with the SPD in relation to loss of light and outlook for the occupiers of no.71 and in relation to loss of outlook for no.67.
9. The appellant points out that the proposal would satisfy the 45° angle test if the measurement is taken from the centre point of the window, that neighbouring planning authorities adopt this approach and that allowance should also be paid to the new outbuilding that also cuts across this line. Furthermore that the depth of some 3.6m only a minimal increase beyond the normally allowed 3m. However, these points take little account of the height of the proposal and the conflict with policy DM2. Reference is made to provisions in the National Planning Policy Framework (The Framework) to support the proposal, but the development does not secure a high quality of design and a good standard of amenity for neighbouring occupiers; it is in conflict with the development plan and therefore also with The Framework as a whole.
10. I have noted the presence of similar extensions at nearby houses. There are pitched roof rear extensions at 73 and 75 Telegraph Lane similar to that the subject of the prior approval at no.69. There is a flat roofed rear extension at no.77 similar to that constructed at no.69. However, the plans show there to be extensions at both neighbouring properties, and so the impact on the living conditions of adjoining occupiers would not be the same.
11. Reference is made to the consented prior approval development as a fallback position and it is claimed that this would have a comparable impact on the living conditions of adjoining occupiers. However, to my mind the reduced height of 2.2m at the outermost point would have a significantly more favourable impact in relation to light and outlook. I have seen the correspondence with the Council regarding the claimed error in constructing the extension with a flat roof and appreciate that dismissal of the appeal would have cost implications for the appellant, but I have to determine this appeal in relation to the facts of the case and relevant planning policies.

Conclusion

12. For the reasons set out above and having regard to all matters raised, I conclude that the proposal has a significant adverse effect on the living conditions of the occupiers of adjacent properties. The appeal is therefore dismissed.

Rory MacLeod

INSPECTOR