



Appeal Decision

Site visit made on 17 October 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 13th November 2017

Appeal Ref: APP/K3605/W/17/3181765

42 Ditton Hill Road, Long Ditton, Surbiton, Surrey KT6 5JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Nicole Pilato against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0837, dated 7 March 2017, was refused by notice dated 6 June 2017.
 - The development proposed is the outline application for the change of use of land from light industrial to residential for 2 No pairs of two-storey houses and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was in outline with all matters reserved for future consideration except for layout. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to whether or not the proposal would have an overbearing effect or result in a significant loss of light.

Reasons

4. The site currently hosts a light industrial unit and garages which sit along the boundary of the site with the properties on Rectory Lane. At the far end of the site the industrial unit comprises two storeys, however it is relatively modest in regards to its overall scale at this point, and the heights of the buildings then vary, reducing to single storey for the majority of the units. The proposal would introduce a residential use to the site, comprising two pairs of semi-detached dwellings. Units 1 and 2 would sit almost adjacent to the boundary with Nos 19 and 20 Rectory Lane. There would be a modest gap between the boundary and the flank wall, with the built form angled away from the boundary. Units 3 and 4 would be adjacent to the rear boundary of the properties along Ditton Hill Road.
5. Due to the application being in outline form, details have not been provided of the likely height and scale of the dwellings therefore it is not possible to assess or compare the ridge height of the existing and the proposed.

6. On my site visit it was clear that the varying heights and forms of the current buildings breaks up the overall mass and scale of the existing built form. The proposal would result in a large block, two storeys in height, sited directly to the rear of Nos 19 and 20. This would be a significant increase in the scale of the built form that is currently sited in this position. In my view it would increase the depth and mass to a degree that it would result in an overbearing and dominating form of development.
7. The appellant has attempted to address this issue, following the refusal of a previous application on the site, by changing the position of Units 1 and 2 so that they would be angled away from the boundary. The appellant has also suggested that suitable landscaping could be secured by way of condition to lessen the impact of the proposal. However, in my view, on the basis of the evidence before me, this amendment to the scheme would not overcome the overall impact of the bulk and mass of Units 1 and 2 with respect to appearing overbearing. Therefore, despite the small separation distance between Unit 2 and the boundary, it is my view that the proposal would have a significantly overbearing effect on the occupiers of Nos 19 and 20, particularly when using their garden.
8. I accept that the distance may mitigate the loss of light to the rear garden. However, on the limited evidence that has been put before me in this regard I am unable to conclude that the proposal would not result in a significant loss of light to the occupiers of Nos 19 and 20.
9. Overall, I find that the depth and mass of the proposal would result in a development that would have an overbearing effect on the occupiers of the neighbouring properties, specifically those at Nos 19 and 20. The proposal would therefore conflict with Policy DM2 of the Elmbridge Local Plan: Development Management Plan 2015 which reinforces the need for development to be based on an understanding of the local character and to protect the amenity of adjoining and potential occupiers. The proposal would also fail to comply with the design principles of Policy CS17 of the Elmbridge Core Strategy 2011.

Other Matters

10. The appellant refers to the site being redundant. However at the time of my site visit there were a number of people using the site and I therefore attach limited weight to this factor.

Conclusion

11. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR