



Appeal Decision

Site visit made on 29 January 2018

by C Jack BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2018

Appeal Ref: APP/K3605/W/17/3181074

19 Ember Lane, Esher KT10 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nick Butterfield against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0785, dated 8 March 2017, was refused by notice dated 2 May 2017.
 - The application sought planning permission for a single storey rear extension, first floor side extension and new porch without complying with conditions attached to planning permission Ref 2015/4304, dated 1 February 2016.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - 2) *The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 19EL_261115/16 received on 07 December 2015 and 19EL_261115/17 received on 09 December 2015 and 19EL_261115/18, 19EL_261115/19, 19EL_261115/20, 19EL_261115/21, 19EL_261115/22, 19EL_261115/23 and 19EL_261115/24 received on 30 November 2015.*
 - 3) *The development shall not be erected other than in the materials stated in the application form received 07 December 2015 and indicated on the approved plans or such other materials as have been approved in writing by the Borough Council.*
 - The reasons given for the conditions are:
 - 2) *To ensure the development is carried out in a satisfactory manner.*
 - 3) *To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of varying the conditions on the character and appearance of the area.

Reasons

3. I saw that the extensions and alterations have been carried out and by the time of my visit they were essentially complete, including external painting in a dark grey colour and timber boundary fencing along The Woodlands. The works differ from the approved plans in a number of ways, including cladding of the first floor flank elevation instead of two windows, the omission of a dwarf wall at the side and erection of a timber boundary fence, and an enlarged timber roof pergola as part of the single storey rear extension. It is proposed to vary conditions 2 and 3 essentially to reflect the changes as built. The

pergola is the only element at significant dispute. The 'existing' and 'proposed' drawings relating to the approved application have been provided with the appeal. No 'as built' drawings are before me.

4. The pergola is constructed from roof timbers which project beyond the clay-tiled roof to the rear extension. Due to an alteration in the approved roof pitch, to facilitate the use of traditional clay tiles, the finished pitch and height of the pergola has increased compared to the approved version. The pitch is more akin to that of the main roof, but the resulting pergola, which was originally proposed to be around 4m high, is significantly taller at around 6m taking the Council's measurement, which has not been disputed.
5. The result is a large timber frame which, particularly due to its height is clearly visible from The Woodlands, as well as from the neighbouring 21 Ember Lane and partially visible from Carleton Close. The pergola is substantial in scale in relation to the rear extension and projects above the eaves of the main house. I saw no similar structures in the vicinity. In my view, the pergola as built appears out of keeping and unduly large and dominant in the street scene. I note that it forms part of the roof structure, and that it is proposed to grow vines up it taking reference from a previous vine at the property, which I am advised did not survive the construction works. No such plants were evident in relation to the pergola at the time of my visit, albeit I am advised that several have been purchased. The pre-extension plans indicate the position of the previous garden pergola, which was relatively modest in scale, and there is nothing before me to suggest that the original pergola was as tall or as visually imposing as the new roof pergola.
6. I accept that over time the timber would fade to a silver/grey, and that growing vines on it would help soften it visually, thereby improving its appearance in the street scene to some degree. However, this would not diminish the overall height and scale of the pergola, from which its undue prominence is generally derived.
7. In light of the above, I conclude that the variation of conditions 2 and 3 would result in harm to the character and appearance of the area, due to the adverse effect of the pergola as built. The proposal therefore conflicts with Policy CS17 of the adopted Elmbridge Core Strategy 2011 and Policy DM2 of the adopted Elmbridge Development Management Plan 2015, which among other things seek to ensure that development preserves or enhances local character.

Other Matters

8. The pergola is set away from the boundary with No 21. While it is visible from that property, it does not have a significant effect on living conditions there. Any 'as built' differences not included in the application before me are outside the scope of this appeal. These points do not outweigh my findings above.

Conclusion

9. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR