

## 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: 12<sup>th</sup> February 2018.**

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**Appeal Ref: APP/K3605/W/17/3181887**

**11a Portmore Park Road, Weybridge KT13 8ER**

- 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 and Mrs Thomas McLelland against the decision of Elmbridge Borough Council.
  - The application Ref 2017/1209, dated 14 April 2017, was refused by notice dated 26 July 2017.
  - The development proposed is described as 'careful removal of the existing roof and addition of a new first floor and loft with rear dormer window to an existing single storey bungalow + two storey front bay extension and front storm porch.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised drawing, 16\_026\_P1A, was submitted to the Council during the course of the application. The Council has confirmed that this plan formed part of the basis upon which it determined the application. It is not clear whether that plan was subject to any public consultation, but it was submitted with the appellants' appeal documents. I note the third party view that the plan includes inaccuracies, including in relation to the indicated 45° line. The discrepancies appear to have arisen, at least in part, from modest differences between the 'old' OS map and the digital version, particularly in relation to the side boundary position. Either way, drawing 16\_026\_P1A does not alter the overall scale and nature of the proposal. Therefore, and considering that the appeal should be determined on the basis of the application that was before the Council at the time of its decision, I will consider the plan as part of the proposal and I am satisfied that no party's position in the appeal would be significantly prejudiced by my doing so. Moreover, the 45° line is a guidance tool in the overall assessment process.

### Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of neighbouring occupiers, with particular regard to outlook and light.

### Reasons

4. The appeal property (No 11a) is a relatively unassuming single storey detached dwelling set between two larger detached houses on Portmore Park Road. No 11a is set significantly forward of No 11 and this, due to the curvature of

the road at this point, makes it a relatively prominent building in the street scene despite its lesser overall mass and height. It is proposed to extend No 11a to form a two storey house with additional accommodation in the roof space.

#### *Character and appearance*

5. The area is predominantly residential in character and includes a diverse and generally attractive mix of properties. Most properties have two storeys or two and a half storeys but I saw some other bungalows nearby. In this context, the existing bungalow at 11a, which is of traditional design and materials, is generally in keeping with the wider locality and sits comfortably adjacent to the detached dwelling on either side, even with its notably more modest stature.
6. The proposal would result in a substantial detached house of significantly greater overall mass and bulk than the bungalow. While the traditional design and appearance of the new house would be generally reflective of built form nearby, the substantial scale would significantly alter the character and appearance of the site. The new house would be visually prominent in the street scene, particularly as a result of its substantial projection forward of neighbouring No 11 and increased height and mass.
7. I note that at least 1m separation would be maintained to the buildings either side, and that No 13 is set away from the common boundary. However, while the larger resulting dwelling would be centrally sited on the plot, it would lie only a short visual distance from the boundary on either side. With its greater mass and height, and notwithstanding its similar footprint to the existing bungalow, this would exacerbate the over-dominant appearance of the proposed building. This would be the case even though Nos 11 and 13 would remain taller than the proposed dwelling, due to its prominent siting in the street scene.
8. I have considered the appellants' view that the proposal has regard to the Council's adopted Design and Character SPD and the associated Companion Guide for Home Extensions 2012. While the National Planning Policy Framework sets out that decisions should not attempt to impose particular styles or tastes, I am not persuaded that the proposal would harmonise with the original dwelling in style and proportions, notwithstanding that the massing would be limited to a degree by the proposal being set-in to a degree at first floor level and the use of pitched roofs.
9. In light of the above, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies CS4 and CS17 of the adopted Elmbridge Core Strategy 2011 (the CS) and with Policy DM2 of the adopted Elmbridge Development Management Plan 2015 (the DMP), which together and among other things seek to ensure that development would integrate with and enhance local character.

#### *Living conditions*

10. Due to its scale, siting and relative proximity to Nos 11 and 13, the proposed house would be readily visible from a number of windows at both neighbouring properties, including those serving bedrooms, living rooms and a kitchen. In some cases, such as the side windows to a living room and a bedroom at No 13, and side windows serving a utility area and landing at No 11, the new

house would partly encroach upon the existing outlook and some resulting loss of light would ensue.

11. However, the affected windows either serve non-habitable areas or are secondary side windows to habitable rooms where the outlook and light received from another principal window would not be significantly affected by the proposal. While the proposal would be clearly perceptible from Nos 11 and 13, and would have some adverse effect on the outlook and light achieved there, this would not be to a degree that would amount to significant harm to the living conditions experienced by neighbouring occupiers. I inspected both neighbouring properties internally and I am satisfied that, notwithstanding any discrepancies with the site plan or the position of the 45° line indicated, my findings in this regard would not be altered.
12. The number of windows in the flank elevations of the proposed house, and the Juliet-type balcony at the rear, may give rise to a perception of overlooking, including to the neighbouring garden areas. The outlook from the rear would be principally down the back garden of the appeal site. Furthermore, most side windows are proposed to be obscure glazed and I am satisfied that, had I been minded to allow the appeal, appropriate privacy measures in respect of those windows could have been secured by condition.
13. A proposed side light to a bay window serving first floor bedroom is not indicated as obscured. This would allow potential overlooking of a modest area of front garden at No 11. The main outlook from that bedroom would be forward towards the road. While this garden area is reasonably enclosed such that it is currently more private than many front gardens, I am not persuaded that the limited potential for overlooking of this area would amount to significant harm to the living conditions experienced at No 11, where there is also a good-sized rear garden. The effect in terms of light and outlook from the French doors to the kitchen at No 11 would be limited due to the proximity of the boundary fence and the relative orientation and siting of the proposed house.
14. I conclude that while the proposal would have an effect in relation to the immediately neighbouring properties on either side, this would not amount to significant harm to the living conditions of neighbouring occupiers, with particular regard to outlook and light. It would therefore accord with the relevant requirements of adopted Policy DM2 of the DMP, which among other things seeks to protect the amenity of adjoining occupiers.

### **Other Matters**

15. I note that the appellants seek to extend their home to improve their family's living conditions while avoiding the need to move, and that the proposal therefore seeks to achieve the most from the plot. However, personal circumstances can very seldom outweigh general planning considerations and in this case do not outweigh my findings above.
16. I note that the neighbouring properties may benefit from permitted development rights to extend. However, there is no substantive evidence before me to suggest that such extensions might be imminent, or that such action would necessarily have a significant impact on No 11a or the effect of the proposed development on the neighbouring properties. This matter therefore carries very limited weight in this case.

## **Conclusion**

17. While I have not found significant harm in relation to the living conditions of neighbouring occupiers, I have identified significant harm in respect of the character and appearance of the area. For the reasons given, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Catherine Jack*

INSPECTOR