
Appeal Decision

Site visit made on 24 January 2018

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2018

Appeal Ref: APP/K3605/W/17/3181815

1 Myrtle Cottage, Portsmouth Road, Esher KT10 9AB

- 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 Ms Elise Hammond against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0360, dated 2 February 2017, was refused by notice dated 3 May 2017.
 - The application sought planning permission for the erection of a double garage with a workshop in the roof following demolition of the attached garage at Ditton Lea without complying with a condition attached to planning permission Ref APP/K3605/D/15/3033661, dated 11 August 2015.
 - The condition in dispute is No 2 which states that: the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 0319_PL 021, 0319_PL 022, 0319_PL 023, 0319_PL 120.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. In 2015 planning permission was granted on appeal for a double garage and workshop in the rear garden of the appeal property.
3. The Inspector, in allowing the appeal (*Ref APP/K3605/D/15/3033661*) considered that the proposed outbuilding would be of modest scale and also sufficiently separated from both the host dwelling and the statutorily listed terrace of which the dwelling forms part so as not to adversely impact. Taking all matters into account, she found that there would be no material harm to the character and appearance of the host dwelling or its surroundings.
4. The approved development has yet to commence and the current proposal seeks to enlarge the proposed building so as to allow for an increase in the ground floor accommodation with an additional store/workshop. In the circumstances, I consider the main issue in this appeal to be the effect of the amendments on the character and appearance of the surrounding area.

Reasons

5. The proposed amendments would increase the width of the building by around 3.4m and its depth by approximately 5.3m. The building's ridgeline, proposed to a height of some 5.1m, would be extended to cover this area and the proposed alterations would thereby represent a significant increase in the building's size.
6. The previous Inspector, in reaching her decision, commented that the building's modest scale and roof profile would give an appearance of subservience to the dwelling at No 1 and the terrace as a whole. As the enlarged building would not be pulled nearer to the listed terrace nor sited any closer to either of the site's side boundaries I am satisfied that it would not have a greater material impact than the building already approved, and the listed terrace's setting would also be preserved. However, the newly proposed substantial enlargement of the approved development, due to the limited size of the dwelling and also the particular contextual setting, would constitute a significant material change in terms of the building's relationship with the host dwelling.
7. In illustration, I consider that the narrowness of the garden's width would accentuate the development's extent and bulk and this would result in an outbuilding whose size and scale would not appear as ancillary or incidental to 1 Myrtle Cottage nor the enjoyment thereof. Further, the size of the dwelling would not be proportionate to the total floor area of the two separate store/workshop areas, notwithstanding the integral garage accommodation, and such a relationship would not represent a normal dwelling/outbuilding relationship consistent with the site's residential use.
8. I find that in this context the proposal would be contrary to the design objectives of Policy DM2 of the Council's Development Management Plan, Policies CS9 and CS17 of the Council's Core Strategy, the Council's Supplementary Planning Document 'Design and Character' and also relevant advice within the National Planning Policy Framework.
9. The appellant, in support of her case, comments that the proposal would be consistent with the previously approved design style of the building and that the site's density of dwellings per hectare would be maintained. This may be the case but these factors do not outweigh the harm I have identified would result. The appellant also makes reference to good use of previously developed land (PDL). However, the site constitutes residential rear garden land in a generally built up area and this would indicate its exclusion from PDL status.
10. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR