



Appeal Decision

Site visit made on 27 August 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/K3605/W/19/3219753

1 Weston Avenue, Thames Ditton KT7 0NB

- 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 Butterfly Patch Nursery against the decision of Elmbridge Borough Council.
 - The application Ref 2018/2094, dated 4 July 2018, was refused by notice dated 5 October 2018.
 - The development proposed is described as a “retrospective application for the erection of a single storey timber-framed outbuilding in the front garden, building is being used as an extension to existing D1 Nursery”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The parties agree that the building is already in situ, and I saw this to be the case at my site visit. I have considered the appeal on that basis.

Main Issues

3. The main issues raised in this case are the effect of the proposal on:
 - i) The character and appearance of the area and host building, and
 - ii) The living conditions of the occupiers of 2 Weston Avenue, with particular regard to outlook and loss of light.

Reasons

Character and appearance

4. The site occupies a corner plot in an area characterised by residential development. There are both detached and semi-detached properties nearby, generally with small gardens and parking areas to the front. The site is readily visible from the adjacent road, with both close and longer distance views.
5. The building is sited forward of the existing nursery and, given the generally open front gardens to neighbouring properties, it has an incongruous appearance. The building is not insubstantial, and it occupies a large portion of the space to the front of the building. This gives the site a cramped appearance

and results in the building being overly prominent. Thus, it appears as a discordant element within the streetscene.

6. I am conscious that the building has been painted white in order to help it integrate with the main building on the site, rather than retaining its original timber appearance. Whilst this goes some way to reducing the impact of the building, it does not sufficiently ameliorate the undesirable visual effect of a considerable structure being sited in a front garden, where there is a general lack of structures to building frontages within the vicinity. Accordingly, the building is an unacceptably prominent feature in an area characterised by open uncluttered frontages.
7. Whilst the building is located to the front of an existing building, they are clearly distinguishable from each other and as such the appeal building does not adversely affect the character or appearance of the host building. This however does not overcome my concerns as outlined above.
8. Accordingly, the scheme has an adverse effect on the character and appearance of the area. Consequently, the scheme would conflict with Policy CS17 of the Elmbridge Core Strategy (2011) (the Core Strategy) and Policy DM9 of the Elmbridge Local Plan – Development Management Plan (2015) (the DM Plan). Together, and amongst other things, these policies seek to ensure that development delivers a high quality of design and that new development for social and community facilities accords with the character of an area. The scheme would also conflict with the design aims of the National Planning Policy Framework (the Framework).

Living conditions

9. Along the boundary with 2 Weston Avenue (No 2) there is substantial landscaping which currently limits the outlook from and amount of light that would reach this neighbouring property. The Council's concern stems from the possibility that this hedge could be removed in the future, in which case, it considers the proposed building would become readily apparent and result in a loss of light.
10. However, if the hedge were to be removed, whilst the outlook from No 2 would include the appeal building, it would not impose on views to the extent as to adversely affect the living conditions of the occupiers. This is particularly so given its positioning in a neighbouring site and that it would not be directly in front of No 2. Furthermore, given its single storey height the building is not so high as to result in any significant loss of light to the neighbouring property.
11. Moreover, there is no suggestion that the boundary landscaping would be removed in the future. Given its current height, this landscaping has a substantially greater effect on light reaching the neighbouring property, and on outlook, than the appeal building.
12. Thus, the appeal scheme would not adversely affect the living conditions of the occupiers of 2 Weston Avenue, with regard to outlook and loss of light. Accordingly, in respect of this main issue, the scheme would not conflict with Policies CS8 and CS17 of the Core Strategy and Policy DM2 of the DM Plan. Together, and amongst other things, these policies seek to ensure development is well-designed, that the amenity of those within the area is protected and

development provides an appropriate outlook and adequate light. The scheme would also accord with the amenity protection aims of the Framework.

13. The Council refer to the Elmbridge Local Plan – Design and Character Supplementary Planning Document (2012), however no specific harm is identified in this regard. In any event, I have found that the scheme would comply with the above policies in regard to this main issue.

Other Matters

14. I appreciate that the building provides additional floorspace for the nursery and acknowledge there are benefit to the nursery in this regard. However, this benefit must be balanced against the harm to the character and appearance of the area and in this case consider any such benefit is insufficient to outweigh the harm I have identified.
15. I note that there is a willingness to install close boarded boundary fencing in order to block views of the building from the street. This however would also appear as an intrusive feature at the site and would therefore not ameliorate the harm that I have identified. There is also a willingness to accept a condition allowing the building on a temporary five-year basis, however I do not consider it appropriate to allow a harmful development, even for a temporary period.
16. Comment is also made of how the building was brought to the Council's attention, however as this is unrelated to the planning merits of the proposal, it has little bearing on my decision.

Conclusion

17. Whilst I have found no harm in respect of the living conditions of the occupiers of the neighbouring property, this does not outweigh that I have found that harm would arise to the character and appearance of the area.
18. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR