



Appeal Decision

Site visit made on 23 October 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Appeal Ref: APP/K3605/D/19/3227794

25 Portsmouth Road, Thames Ditton, KT7 0SY

- 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 Jolliffe against the decision of Elmbridge Borough Council.
 - The application Ref: 2018/3639 dated 7 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is described as Demolition of small rear extension and erection of single storey rear extension. Proposal is in accordance with requirements of Permitted Development (Larger Extensions), save that there is an original rear projection which precludes an otherwise rear extension, by the extension becoming a 'side' extension to the original rear projection.
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Decision

1. The appeal is allowed, and planning permission is granted for a single-storey rear extension following demolition of existing rear projection, at 25 Portsmouth Road, Thames Ditton, KT7 0SY in accordance with the terms of the planning application Ref: 2018/3639 dated 7 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 992-AA1-BS1-101 Revision D; and, 992-AA1-BS1-102 Revision I.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) All flood mitigation measures shall be carried out in accordance with the approved details set out in the Flood Risk Assessment prepared by Tim Jolliffe dated 16/12/2018.

Procedural Matter

2. The description of development from the original planning application form is set out in the banner heading above. This differs from the description set out in the appellant's appeal form and the Council's decision notice which more accurately and succinctly describes the development as 'single-storey rear extension following demolition of existing rear projection'. The Council has dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of the occupiers of No. 23 Portsmouth Road, with particular reference to being overbearing and loss of daylight.

Reasons

4. The appeal site is the southern dwelling of a pair of substantial semi-detached properties fronting Portsmouth Road. To the south at an almost perpendicular angle lies the properties of Rythe Court and adjoining it to the north is No. 23, its neighbouring semi. The appeal site and No. 23 benefit from substantial deep approximately south east facing rear gardens separated by an approximately 2 metre (m) high fence that provides a substantial boundary between the two properties channelling the outlook from the ground floor windows into the deep gardens. On the nearside to the shared boundary each property has a substantial patio door window opening around 1m from the boundary at its closest point, stepping down onto patio/decked areas.
5. The proposed development would be nearly the full width of the appeal site dwelling but would be set back 1m from the shared boundary with No. 23. It would be approximately 6m deep, 2.4m in height to the eaves, 3.3m to a flat roof element and 3.75m to the top of a central roof lantern.
6. Being set back 1m from the shared boundary the eaves of the extension would only be a short distance above the boundary fence and the short roof slope away from No. 23 would provide further relief up to the proposed roof and lantern. I consider that by reason of the height, shape and position of the extension, the height of the boundary fence, and the depth of the back gardens, the proposed development would have a modest effect upon and not result in harmful living conditions to the occupants of No. 23 with respect to being overbearing or a loss of outlook.
7. For similar reasons whilst the proposed development would result in a small loss of daylight, given the aspect of the gardens and the large size of the window opening, I am satisfied that the level of daylight loss to No. 23 would be modest and not be harmful to the living conditions of the occupants. I am also of the view that the development subject of this appeal would have a similar impact upon daylight to the shallower but closer extension for which the appellant has a Certificate of Lawful Development under Ref: 2017/0814.
8. For the reasons set out above I find that the proposed development would comply with the amenity aims of Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) which amongst other things, expects that development should be designed to offer an appropriate outlook and daylight. It would not be contrary paragraph 127 of the National Planning Policy Framework (2019) which requires planning decisions should create places that promote health and well-being with a high standard of amenity.
9. In reaching my conclusions I have had regard to the design guidance in the Elmbridge Local Plan Design and Character Supplementary Planning Document (2012) and the Elmbridge Design and Character Supplementary Planning Document Companion Guide: Home Extensions (2012). Amongst other things these outline that extensions over 3m in depth, that breach the 45 degree angle can result in a negative effect in respect of daylight and outlook. In this

instance the impact upon outlook and daylight is small and would not result in harmful living conditions to No. 23.

Other Matters

10. In terms of the effect of the proposal on the character and appearance of the area and the host dwelling, I note that the Council consider this aspect of the proposal would be acceptable, and so do I. The submitted Flood Risk Assessment demonstrates that in designing the development sufficient regard has been had to the requirements of managing and mitigating the risks of flooding, in accordance with Policy CS26 of the Elmbridge Core Strategy (2011) and the Council's Flood Risk Supplementary Planning Document (2016). I agree with the view of the Council that there would not be a significant loss of light or overbearing impact that would result in material harm to the amenity of the occupiers of Rythe Court.

Conditions

11. As well as the standard condition for the commencement of the development, a condition requiring the development to be carried out in accordance with the approved plans is necessary, to ensure certainty. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary. It is necessary to impose a condition to ensure that flood mitigation measures are carried out in accordance with the approved details set out in the Flood Risk Assessment, to manage the risks from flooding in accordance with Policy CS26 of the Elmbridge Core Strategy (2011).
12. A representation was received stating no objection provided the boundary between the site and Rythe Court is not disturbed or damaged and maintained in its present state, with replacement or repair taking place should damage occur. The plans before me do not show any alteration to the boundary with Rythe Court and any damage to the boundary would be a civil matter covered under separate legal rights. Therefore, such a condition would not meet the tests of being reasonable or necessary as set out in the Planning Practice Guidance.

Conclusion

13. For the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR