



Appeal Decision

Site visit made on 13 August 2019

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

an Inspector appointed by the Secretary of State

Decision date: 29th November 2019

Appeal Ref: APP/K3605/D/19/3228679

30 Manor Road South, Esher, KT10 0QL

- 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 Craig Davis against the decision of Elmbridge Borough Council.
 - The application Ref: 2018/3784 dated 14 December 2018, was refused by notice dated 19 February 2019.
 - The development proposed is described as removal of existing single storey conservatory (5m) and ground floor rear bay window and the construction of a 5m single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single-storey rear extension and raised rear decking following partial demolition of existing house at 30 Manor Road South, Esher, KT10 0QL in accordance with the terms of application Ref: 2018/3784, dated 14 December 2018, and the plans/drawings numbered 1968-01; 1968-02A; 1968-03; 1968-04; 1968-05b; 1968-06D; 1968-07G; 1968-08a; 1968-09; 1968-10, subject to the following conditions:
 - 1) Notwithstanding the works that have already been carried out, the development hereby permitted shall be carried out in accordance with the following approved plans and drawings: 1968-01; 1968-02A; 1968-03; 1968-04; 1968-05b; 1968-06D; 1968-07G; 1968-08a; 1968-09; 1968-10.
 - 2) Prior to the first use of the top decking area hereby approved, obscured glass screens of 1.8 metres high from the top decking area floor level shall be erected on the southern and northern sides of the top decking area, from the extension along the depth of that top decking area, and thereafter be retained permanently in that position.

Procedural Matters

2. I have used the description from the original application form in the banner heading above. However, I do not consider this accurately reflects the development proposed, as it does not refer to the proposed rear decking area. Therefore, in the formal decision paragraph above I have used the description from the Council's decision notice and the appellant's appeal form, which more accurately describes the proposed development. The Council has dealt with the proposal on this basis and so shall I.

3. I observed that the development described above has been partly carried out. At my visit there was a raised slabbed/tiled terrace/decking area and steps that were more or less the full width of the plot. This is not what is set out before me on the submitted plans, which show a much narrower decking area with steps, recessed from the side walls of the extension. I have considered the development on the basis that it is retrospective and based on the submitted plans only. Whilst the 'decking' area is finished using stone tiles/slabs on my visit, which arguably differs from the traditional wooden connotation associated with 'decking', the tiles/slabs are an acceptable material and do not have a bearing on the main issues.

Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of the occupiers of Nos. 28 and 32 Manor Road South having regard to outlook and privacy.

Reasons

5. The appeal site is a substantial detached property located within a generously sized plot like its neighbouring properties. The appeal site and neighbouring properties at Nos. 28 and 32 Manor Road South (herein No. 28 and 32) have long back gardens that gently slope down from the dwellings, which has the effect of increasing the height of the extension to around 3.9m at its highest point. From the rear garden of the appeal site it was apparent that other properties on Manor Road South appear to have various single and two-storey additions to the rear.
6. In the context of the approximately 28 metre long gardens, the development represents a relatively small proportion of the garden area. The main rear elevation of the dwelling to which the extension joins is set approximately 0.7 metres further back than rear wall and around 1.75 metres from the nearest bay window of No. 28, and around 1.5 metres from the nearest rear wall of No. 32. This has an effect of off-setting the depth of the extension by a moderate degree.
7. The extension is set away from the boundary by around just under a metre and the side wall of No. 28 by around 2.4 metres, and around 0.4 metres from the boundary and around 1.2 metres from the side wall of No. 32. Whilst I made an appointment but could not visit No. 28, from the appeal site I was able to ascertain that these gaps provide good distance and enough relief to the extension from the neighbouring dwellings and gardens.
8. The conservatory that the extension replaces was a similar height but protruded only a short distance less. Whilst there would have been some transparency through the primarily glass structure, there is likely to be only a small increase in impact from the extension in respect of the outlook for No. 28. Whilst there was no such structure on the boundary of No. 32 the nearest rear façade of that dwelling brings the extension to an effective depth of around 3.5 metres, and around 5 metres from the main rear façade which is further away, which is considered acceptable in respect of outlook.
9. A representation has cited suffering a loss of light, however, the Council is satisfied that the impacts in respect of loss of daylight and sunlight would be small. For that reason and those set out above I agree with this conclusion.

10. The proposed decking/terrace area would have an approximate depth of 1 metre sitting almost flush with the internal floor with steps down to ground level. The steps would be around 1.1 metres away from the boundary with No. 32 and around 1.6 metres away from No. 28, which includes a low sidewall.
11. The distance and function of the steps would not significantly intrude upon the privacy of Nos. 28 or 32. On the top terrace area its limited depth would allow little if any functionality beyond the bi-fold doors when they are in use. With the bi-fold doors shut discernible impacts would be limited to the area close to the edges of the top area. For residents of No. 32, the proposed development as a whole would have some beneficial effects upon privacy compared to the previous terrace arrangement as it provides a greater distance and screening between the new decking/terrace and rear windows.
12. The appellant and the Council agree they would accept the provision of an obscured glass screen of around 1.7 metres to 1.8 metres high across the depth of the top area, to mitigate/limit the impact from any harm to privacy. Subject to this being implemented, I consider that the proposed development would not result in any discernible harm to the living conditions of the occupiers of Nos. 28 or 32 in respect of privacy.
13. A representation suggests the bi-fold doors result in a significant loss of privacy to their rear garden. Whilst the extension might have resulted in a small increase in visibility compared to the previous conservatory and terrace arrangement, it has created a solely rear facing elevation which is not harmful to living conditions in respect of privacy. I note the Council has taken a similar view.
14. For the reasons set out above the development would not be harmful to the living conditions of the occupiers of Nos. 28 and 32 Manor Road South in respect of outlook, or in respect of privacy. Therefore, I do not find conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (the DMP) or paragraph 127 of the National Planning Policy Framework (2019) (the Framework). Amongst other things, these expect development should protect the amenity of adjoining occupiers, provide adequate privacy to adjoining houses and gardens, to offer an appropriate outlook, and create places that promote the health and well-being with a high standard of amenity for future users. I also do not find the development harmful to living conditions having regard to the advice set out in the Elmbridge Local Plan Design and Character Supplementary Planning Document (2012) or Design and Character Supplementary Planning Document Companion Guide: Home Extensions (published 2012).

Other Matters

15. A representation raises concerns about the design of the development. Whilst appearing somewhat more modern than much of the appeal dwelling and some nearby, I consider the extension to be of a size and scale that is in keeping with the appeal dwelling and other nearby properties. The use of render is reflective of elements of many other dwellings nearby and the flat roof is an acceptable form which helps limit the overall height of the extension. Given the length and width of the rear garden, I do not consider that the combination of the proposed development and outbuilding amount to overdevelopment, as raised in a representation.

16. I note concerns about the extension potentially increasing noise levels, particularly due to the bi-fold doors. It would not result in a dissimilar situation to the rear of many other dwellings. As a domestic extension it is highly unlikely to result in any unacceptable noise impacts, and any noise that would constitute a nuisance would be a matter to pursue with the Council. A representation refers to the development not being constructed in accordance with the approved plans, however, as set out above, the scheme has been considered based on the development in the submitted application.

Conclusion

17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission be granted.

Conditions

18. As the development has already commenced, I have not specified the standard condition specifying the time limits for commencement. A condition to require compliance with the approved plans is necessary to provide certainty and ensure a form of development that does not cause harm to the living conditions of neighbouring properties. To ensure an adequate level of privacy for neighbouring properties I consider it necessary to require a 1.8m high glass privacy screen on top of the decking area. I do not consider it necessary to impose a condition to match the materials to the existing building as suggested by the Council, as the rendered finish is considered acceptable and the extension has already been built.

Dan Szymanski

INSPECTOR