



Appeal Decision

Site visit made on 16 December 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/K3605/D/19/3236969

1 Clare Hill, Esher KT10 9NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Pritchard against the decision of Elmbridge Borough Council.
 - The application Ref 2019/0882, dated 15 April 2019, was refused by notice dated 18 June 2019.
 - The application sought planning permission for a roof extension incorporating front and rear dormer windows, single-storey side extension incorporating a rear canopy, new boundary wall to a height of 2.1m and a swimming pool following partial demolition of existing boundary wall without complying with a condition attached to planning permission Ref 2018/2480, dated 8 October 2018.
 - The condition in dispute is No 2 which states that: "*The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 17031-PLA-002 REV008 and 17031-PLA-004 REV004 received on 13 August 2018.*"
 - The reason given for the condition is: "*To ensure that the development is carried out in a satisfactory manner.*"
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension incorporating front and rear dormer windows, single-storey side extension incorporating a rear canopy, new boundary wall to a height of 2.1m and a swimming pool following partial demolition of existing boundary wall at 1 Clare Hill, Esher KT10 9NA in accordance with the application Ref 2019/0882 made on the 15 April 2019 without complying with condition No 2 set out in planning permission Ref 2018/2480 granted on 8 October 2018 by Elmbridge Borough Council, but otherwise subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 17031-PLA-002 REV009 and 17031-PLA-004 REV005.
 - 2) The development shall not be erected other than in the following materials: External - bricks to match existing and the brick wall to match neighbouring property 'North Lodge', Roof - to match existing, dormers to have tile cladding, and flat roof to single storey side extension to match existing flat roof or such other materials as have been approved in writing by the borough council.
 - 3) The measured or calculated 5 minute LAeq of the cumulative effect of the noise emitted from installed pool plant and equipment, shall be below the

existing background level by at least 5 dB(A), or 10 dB(A) if there is a particular tonal or discrete component to the noise, at all times when the plant is in operation. The level shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises. The background level shall be LA90, T where T = 15 minutes nighttime (23:00 hrs to 7:00 hrs) and 1 hour daytime (7:00 hrs to 23:00 hrs).

Procedural Matters and Background

2. The application subject to this appeal was determined under Section 73 of the Town and Country Planning Act 1990 (the Act). However, as the application was for works that had commenced prior to the submission of the application, Section 73A is the more relevant part of the Act. I have therefore dealt with the appeal on this basis.
3. Moreover, planning permission was granted in 2018 for extensions and alterations to the appeal property. The Application Form states that works started in March 2019. However, the application seeks permission for the development as constructed, the design of which is different from that approved, as it includes an additional section to the rear dormer. The application therefore seeks a new permission that would, among other things, be subject to a condition specifying the plans that reflect the revised design. At the time of my site visit, a dormer had been constructed on the rear roof slope of the appeal property.

Main Issue

4. The main issue is the effect of the proposed development on the character of the host dwelling and the surrounding area.

Reasons

5. The residential area surrounding the site is characterised by detached dwellings, the roofs of which incorporate dormer windows and other extensions. Whilst these vary in size, shape and design, the character of the surrounding area is not necessarily diminished by their presence.
6. The front and rear roof slopes of the appeal property are divided into three sections by raised parapets, the central section being appreciably wider than those either side. The approved and proposed dormer windows are positioned within the central section at the rear and are visible from Claremont Lane and Claremont Drive.
7. The Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions (Adopted April 2012) (SPD), requires that dormers should not dominate the roof by being over large, some existing roof should remain beneath the new dormer and, where possible, the dormer should follow the vertical lines of existing doors and windows.
8. The proposal will link two approved dormers to form one dormer. This will occupy the full width of the central section of the roof slope and project forward closer to the eaves of the roof. Nonetheless, parts of the roof slope will remain visible around the resultant dormer, including beneath. Furthermore, the sections of the roof to either end of the property would remain unaltered. The resultant dormer will have a balance of tile cladding and windows. In light of

this, in the views available from Claremont Lane and Claremont Drive, the resultant dormer will appear recessive in relation to the roof of the property to the extent that it will not dominate or appear prominent in relation to the overall roof slope. Nor will it jar with the character of the appeal property or its surroundings.

9. The appeal property is near to the North and South lodges and gates to Claremont House, which are designated as Grade II listed buildings. Claremont Park, a Grade I Registered Park and Garden lies beyond. I have therefore had regard to the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, given the proximity and physical relationship of the proposal with these designated assets, their settings will be preserved and the proposal will not detract from them. I note that the Council raised no objection in this regard either.
10. For the reasons outlined above, I conclude that the proposal will not be harmful to the character of the host dwelling or the surrounding area. Hence the proposal will accord with the Council's SPD, Policy CS17 of the Elmbridge Core Strategy (Adopted July 2011) and Policies DM2 and DM12 of the Elmbridge Local Plan Development Management Plan (Adopted April 2015). Together these policies require that the design of new development is of a high quality, which responds to the positive features of individual locations, integrating sensitively with the prevailing pattern of built development and character of the host building, in the case of extensions. In addition, development within the vicinity of a listed building should preserve or enhance its setting; similarly, development conspicuous from a Registered Park and Garden should also not detract from the asset.
11. The proposal will also accord with paragraph 127 of the National Planning Policy Framework, which requires that developments are sympathetic to local character and history, including the surrounding built environment.

Conditions

12. I have not included a condition limiting the time for commencement, because the development has already begun. I have specified the approved proposed plans and elevations for the revised development, in the interests of certainty.
13. In addition, I have applied the tests relevant to the planning conditions from the original planning permission relating to the materials of construction and control of noise potentially emitted from plant and equipment in connection with the swimming pool. These conditions would be reasonable and necessary to ensure a satisfactory external appearance of the development and protect the living conditions of neighbouring occupiers, respectively. I have therefore reimposed these conditions, with corrections to the spelling of 'brick wall' and 'property'.

Conclusion

14. For the reasons outlined above, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR