



Appeal Decision

Site visit made on 2 December 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/K3605/W/19/3236034

43 Beech Close, Hersham, Walton-On-Thames KT12 5RQ

- 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 Sabherwal of Satkom Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2019/0922, dated 2 April 2019, was refused by notice dated 14 August 2019.
 - The development proposed is a two storey side extension and sub-division into 1 x two bedroom and 1 x three bedroom dwellings with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and sub-division into 1 x two bedroom and 1 x three bedroom dwellings with associated parking and landscaping, at 43 Beech Close, Hersham, Walton-On-Thames, KT12 5RQ, in accordance with the application, Ref 2019/0922, dated 2 April 2019 subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site is located on a corner plot and currently contains a two-storey semi-detached dwelling with a relatively large garden to the rear and side of the property and a paved parking area at the front.
5. Beech Close is typically characterised by two storey semi-detached houses and short terraces of dwellings which feature similar designs and materials in their pairs and groups. The appeal property is typical of the style and scale of semi-detached dwellings on the Close and adds positively to the character and appearance of the area.
6. The two-storey side extension would follow the form and materials of the existing pair of semi-detached dwellings and would result in a visually balanced

- group of dwellings. The plot is wide enough to comfortably accommodate the proposal without it appearing cramped, and this is also helped by the wide grass verge located to the south, between the appeal site and road, which although outside the appeal site, helps create a sense of space on this corner.
7. It is acknowledged that the proposal will result in the formation of a short terrace of three houses, but this is not out of character with the form of other dwellings in the area. The 'terracing effect' referred to in the Design and Character Supplementary Planning Document (April 2012) relates to closing a gap between adjacent buildings, which would not occur here.
 8. I am satisfied that the development allows for the sub-division of the appeal property to result in two adequately size dwellings that reflect the size of other properties in the vicinity. The use of materials to match the existing dwelling will ensure the extension does not harm the character and appearance of the existing semi-detached dwellings, and this can be secured by imposition of a condition.
 9. Although the appeal property is located on a corner plot, there is not a marked change to the character of the area as Beech Close becomes Queensway North and as such the development would not be on a prominent gateway site. The scale and design of the side extension is in keeping with the existing dwellings to both sides and the retention of an area of garden on the east side would help ensure the proposal does not overly dominate or appear incongruous when entering the Close from Queensway North.
 10. Concerns from local residents regarding the design of the front porch have been noted. However, there are a variety of front porch designs in the area, as I saw on my site visit, and currently the front porch on the appeal property does not match the front porch of the neighbouring property. It is my view that the gallow bracket design of the front porch that would cover the two proposed front doors would not be incongruous and would not harm the character and appearance of the appeal property.
 11. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area and would accord with Policy CS17 of the Elmbridge Core Strategy (July 2011) and Policy DM2 and DM10 of the Elmbridge Local Plan Development Management Plan (April 2015) which amongst other things seek to preserve, respect and improve local character.

Other Matters

12. I have taken into account concerns from local residents including parking and highway safety, pollution, loss of garden area and trees, size and suitability of the proposed gardens, enjoyment of adjoining green space, need for an additional dwelling, lack of rear access, loss of privacy and overshadowing, loss of views, lack of consultation from the appellant and concerns surrounding precedent. I address these concerns in the following paragraphs.
13. With regard to the concerns relating to parking and highway safety, Surrey County Council Highways have commented that the number of spaces and arrangement and size of the parking bays is sufficient, and that visibility from the parking bays would be satisfactory and I have no reason to consider otherwise. In addition, the requirement to provide and maintain good visibility

from the proposed parking bays can be secured by imposition of a condition. I do not consider the proposed parking arrangements would impede access to the properties as the plans show suitable space would be available. Although on-street parking in Beech Close is not subject to parking controls, comments from local residents suggest that demand for parking on the road is high. However, I observed at the time of my site visit, parking spaces were available and a number of properties have their own off-street parking space. On this basis, I consider it unlikely that the loss of one on-street parking space, when an additional off-street parking space would be created by the proposed development, would cause harm in this regard.

14. The appeal property is located in a residential environment, close to a bend in the road, where drivers will be travelling at slow speeds and will generally be aware that there could be hazards, including cyclists using the nearby cycle path, it is therefore considered that the proposal would not cause a risk to other road users. Whilst the sub-division of the property into two dwellings is likely to result in increased vehicle movements, it is not considered the increase from one dwelling will be significant or result in harmful levels of pollution.
15. With regard to the comments made in relation to the appeal property garden and loss of trees, the area in front of the appeal property is already paved and used for parking so there will be little change here. The plans show that approximately half of the existing hedge between No 41 Beech Close and the appeal property will be retained and the existing hedgerow on the southern boundary will be reduced in height to aid visibility. The front section of the hedge between No 41 Beech Close and the appeal site will be removed to facilitate creation of the parking bays, but this loss will be minor and is unlikely to result in any significant harm to biodiversity. With regard to the proposed back gardens, it is acknowledged that some garden space will be lost as a result of the proposed side extension, but the area to the side of the existing house is largely paved and so the loss of grassed area would be minimal. The Council are satisfied that the amount of garden space that will remain is suitable for both proposed dwellings and I am also satisfied that the length and width of the proposed gardens would provide suitable and useable outdoor amenity space. I do not agree that the proposed gardens will be unduly affected by overshadowing as they are largely east facing and the lack of built development to the south would mean that they would receive adequate daylight. In a built-up residential area such as this, mutual overlooking of back gardens is common and already occurs with the existing properties, I am therefore satisfied that any overlooking of the proposed gardens would not be a significant issue.
16. Concerns have been raised that the proposal will reduce the enjoyment of the area of green space to the south of the appeal property on the corner of Beech Close. The area of green space is an attractive feature in the street scene, but lies outside the appeal site and will therefore not be directly impacted by the proposals. There could be some indirect effects during the construction process, in terms of noise and disturbance, but these will be short term and not likely to be significant. I therefore do not consider that the proposal will detract from the enjoyment of the green space in the long term.
17. I have considered the argument that there is a lack of precedent in the area of similar applications and that this proposal could set a precedent for future

applications. However, each application and appeal must be determined on its individual merits, and the generalised concerns of this nature does not justify withholding permission in this case.

18. With regard to the effect of the proposed development on the living conditions of the occupiers of No 40 Queensway North (No 40) the Council are satisfied that due to the proposed development's distance from No 40, and the orientation of the side extension to the north west of No 40, that there would be no impact on levels of daylight and sunlight or on the outlook of the occupiers and I agree with this conclusion. In terms of effects on privacy, The Council have recommended a condition requiring obscure glazing to be used on the rear first floor window serving the bedroom of Unit 2 to preserve reasonable privacy for the occupiers of No 40. However, given the distance of this rear bedroom window from No 40 and the presence of a high fence and vegetation on the common boundary, I am satisfied that the privacy of the occupiers of No 40 would be protected without the need for obscure glazing.
19. In terms of the other matters raised, the Council have confirmed that there is a need in the Borough for the size and type of housing proposed. There would be a lack of rear access for the proposed middle dwelling, but a lack of rear access is common in terrace dwellings and I do not consider this to be a significant concern. Whilst I am sympathetic to the fact that some residents feel that their views will be blocked by the proposal, the side extension is modest in scale and views are unlikely to be significantly altered. Overall, I do not consider this development to be un-neighbourly.
20. Whilst it is noted that there was a lack of consultation with neighbours in advance of submission of the planning application, this does not affect my assessment of the planning merits of the proposal.
21. The Council have provided copies of a whole range of appeal decisions relating to various forms of development in the Borough. No explanation is provided to clarify the relevance of these cases to the proposal before me, and in any case, aside from the decisions themselves, I have no details of the evidence those decisions were based upon. As such, I have had little regard to them.

Conditions

22. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
23. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to match the existing building to protect the character and appearance of the area.
24. In respect of highway safety, conditions are necessary to ensure the access and parking spaces are provided prior to occupation of the dwellings. A condition to ensure existing boundary treatment is reduced in height to provide sufficient visibility for cars exiting the site is also necessary in the interests of highway safety. A condition is necessary to ensure the provision of satisfactory on-site electric parking provision and that this is retained.

25. A further condition has been suggested by the Council, to glaze the rear first floor bedroom window of Unit 2. However as stated above, I consider that obscured glazing is not necessary to protect the privacy of the occupiers of No 40 given the distance from the property and existing screening provided by vegetation on the boundary. I therefore do not consider that such a condition would be necessary.

Conclusion and Recommendation

26. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans: S1387 – 001 A, S1387 – P106 A, S1387 – E102 A, S1387 – E103 A, S1387 – E101 A, S1387 – E104 A, S1387 – P105 B, S1387 – P103 C, S1387 – P102 D, S1387 – P101 E, S1387 – P104 F, and S1387 – P100 G.
- 4) The dwellings shall not be occupied until a means of access for vehicles have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 5) The development shall not be occupied until the boundary treatment on the southern boundary of the parking area has been reduced to 0.9m in height, and the existing pillar and section of front wall in front of Unit 1 has been removed, in accordance with the approved plans, and maintained as such thereafter.
- 6) The dwellings shall not be occupied until space has been laid out within the site in accordance with drawing no. S1387 – P100 G, for two cars to be parked and that space shall thereafter be kept available at all times for parking.
- 7) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and shall thereafter be retained as approved.