The Planning Inspectorate

Appeal Decision

Site visit made on 21 May 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/K3605/D/19/3243269
30 Broadfields, East Molesey, Surrey KT8 0BW

- 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 Richard Mateu against the decision of Elmbridge Borough Council.
- The application Ref 2019/0509, dated 27 March 2019, was refused by notice dated 25 September 2019.
- The development proposed is a two-storey side extension following demolition of existing outbuilding.

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension following demolition of existing outbuilding at 30 Broadfields, East Molesey, Surrey, in accordance with the terms of the application, Ref 2019/0509, dated 27 March 2019, subject to the following conditions:

    1. The development hereby permitted shall begin not later than three years from the date of this decision.

    2. The development hereby permitted shall be carried out in accordance with the following approved plans: A-1303 (Proposed Elevations); A-1302 (Proposed Plans); A-1301 (Proposed Site Plan).

    3. The proposed development shall incorporate the flood resistance and resilience measures, as set out in submitted Flood Risk Assessment dated January 2019, prior to the first occupation of the extension hereby approved.

Main Issues

2. The main issues are the effect of the development on (1) the living conditions of neighbours, and (2) the potential to result in increased flood risk.

Procedural Matters

3. I have used the description of development that appears on the submitted Appeal Form, as this is clearer and more concise than the description on the planning application form. I have also taken the date of the submission of the planning application to the Council from the Appeal Form as there was no date I could see on the application form.

Reasons

Living Conditions

4. The proposed extension is to the side of the existing house. It would be a substantial extension relative to the existing house, filling much of the gap to the side boundary. This side boundary is with the neighbouring property of No 32 Broadfields and its annex.

5. No 30 and 32 are at an angle to each other due to their position towards the end of this cul-de-sac and the circular turning area to the end of this road. As a result, the front of a portion of No 32 (primarily the annex) faces towards this side boundary. The closest window to this boundary is at ground floor level and from the evidence this serves the annex kitchen. There is also a window which is stated to serve a hallway, but this is not a primary habitable room. Therefore, a kitchen window is typically more sensitive to such impacts.

6. The outlook from these windows would change as a result of the proposed extension. It is likely that some of the trees and bushes that are positioned along this side boundary within the curtilage of No 20 would be removed and there would be the appearance of the side of the proposed extension at a distance of approximately 6-7m. Whilst the outlook from these annex windows would change, I do not regard the appearance of the side of an extension with this separation distance as resulting in a significant or unacceptable impact to the living conditions of occupiers. This is a residential area where views of neighbouring houses at relatively short distances are common. Furthermore, views from this window would not be totally dominated by views of the proposed extension, with there also being angled views towards the road and to the remaining trees across the rear garden of No 30.

7. Being to the approximate north of these kitchen and hallway windows the proposed extension would not result in any significant loss of natural sunlight. The separation distance would also allow for sufficient daylight. Furthermore, there are no side elevation windows above ground floor level proposed that would harmfully overlook this neighbouring property.

8. There are other windows and glazed doors to the front of No 32 and its annex, but these are less effected by the development than the nearest window to the boundary with No 30, being the one that serves the annex kitchen. Considering the impact to living conditions of occupiers of No 30 and its annex, I conclude that whilst there would be an impact it would be to an acceptable degree with no significant detrimental effect to outlook, privacy levels or natural light received for example.

9. There are other houses in near to the site of the proposed extension also, including those towards the end of the cul-de-sac of Broadfields and also to the rear of the site along Southfields. Having been to the site and considered the distances involved, having also had regard to the suburban nature of the area, it is my assessment that the proposed extension would not result in any unacceptable impact to living conditions of occupiers of these other neighbouring houses through reduced outlook quality, overshadowing of neighbouring property, through loss of privacy, or any other such impacts.

10. Overall, the proposal would not unacceptably impact upon any neighbour living conditions and therefore protect their amenity sufficiently. This would be in

accordance with policy DM2 of the Elmbridge Local Plan - Development Management Plan 2015. This policy requires development to protect the amenity of adjoining and potential occupiers and users, amongst other things.

Flood Risk

11. The site is within Flood Zone 2. The Elmbridge Flood Risk Supplementary Planning Document (SPD) states that in such incidences a site specific flood risk assessment (FRA) is submitted with a planning application.

12. An FRA was submitted with the application, but the Council concluded that the issue of whether the development would increase flood risk elsewhere was not considered. The requirement to demonstrate that a development would not result in increased flood risk elsewhere is set out in the SPD and policy CS26 (Flooding) of the Core Strategy.

13. In response to this issue, the appellant has submitted a 'Technical Note' with this appeal, along with further details within the Statement of Case. Firstly, as a 'minor development' when assessing flood risk, the Environment Agency (EA)/Government advice is that an assessment of off-site flood risk is only required if the extension is in an area with "increased flood risk as a result of multiple minor extensions in the area". This is a suburban area where it is clear that there have been other extensions, but there is no substantive evidence to suggest that the amount of extensions has had a discernible impact in increasing the area's flood risk. Therefore, from the evidence before me the development meets with this advice on the matter.

14. I note that it is a requirement of policy CS26 for a development to provide flood resistance measures in line with EA advice. Therefore, in regard to the issue of ensuring the development would not increase flood risk elsewhere, the proposal sufficiently accords with advice.

15. Furthermore, I note the comments from the appellant's evidence that this is an area with a low risk of surface water flooding and that considering the size of the proposed extension the impact off-site for flooding within this extensive Flood Zone 2 area would be negligible. For this reason, the appellant states that no analysis for compensatory storage or displacement of surface water was undertaken, which I would regard as reasonable. The appellant also states that the appeal site has no boundary walls as part of the proposal and from the evidence there does not appear to be any indication that the side extension would impact with the flow or routing of floodwater.

16. With the additional evidence submitted with this appeal I am satisfied that the matter of the potential for increased flood risk elsewhere has been sufficiently considered in a proportionate way, considering the minor scale of the development. Therefore, the proposal is in accordance with policy CS26 (Flooding) of the Core Strategy 2011. The proposal is also in general accordance with the Flood Risk SPD 2016.

Other Matters

17. The proposed extension is large, but the plot is of a sufficient size to accommodate the extension without it being considered a form of overdevelopment. I regard the scale and design of the proposed extension to be acceptable.

18. Whilst I understand the concerns of a neighbour who wrote in with the planning application, there is no substantive evidence to suggest that the proposed extension would result in an increased risk of burglary to their property.

19. I note reference to other extensions and planning history of properties within the locality of the site. However, other examples are not wholly or directly comparable due to various differences and I have considered the proposal based on the merits of the scheme before me.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the Framework). The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.

21. I have attached the standard time limit condition and a plans condition as this provides certainty.

22. I have not added the condition suggested by the Council regarding materials, as the proposed materials are sufficiently set out on the submitted elevation plans. This includes that the facing brick to be used shall match the existing on the house.

23. Furthermore, I have not included the condition to require more detail relating to flood mitigation measures to ensure that flood risk to neighbouring properties is not increased as a result of the development, as this has been sufficiently addressed with the information submitted with the appeal. I do not regard there as being a need for further measures to be incorporated into the development following the evidence submitted that any impact to flood risk elsewhere would be negligible. However, I have included a condition requiring the implementation of the flood mitigation measures as set out in the submitted FRA.

Conclusion

24. For the reasons given above the appeal should be allowed, subject to the conditions set out in the decision above.

S. Rennie

INSPECTOR