The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/K3605/D/20/3248265
Kelmscott, Mountview Road, Claygate, Esher KT10 0UB

- 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 and Mrs H Donnelly against the decision of Elmbridge Borough Council.
- The application Ref 2019/3091, dated 31 October 2019, was refused by notice dated 9 January 2020.
- The development proposed is side extension incorporating garage.

Decision

1. The appeal is allowed and planning permission granted for side extension incorporating garage at Kelmscott, Mountview Road, Claygate, Esher KT10 0UB in accordance with the terms of the application, Ref 2019/3091, dated 31 October 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not 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: 1:1250 scale 'Location Plan' 1909/01; 1:500 scale 'Block Plan as Proposed' 1909/02 Revision A; 'Floor Plans as Proposed Sheet 1' 1909/20; 'Floor Plans as Proposed Sheet 2' 1909/21; 'Floor Plans as Proposed Sheet 3' 1909/22; 'Floor Plans as Proposed Sheet 4' 1909/23; 'Elevations as Proposed Sheet 1' 1909/24; and 'Elevations as Proposed Sheet 2' 1909/25.

    3) 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.

    4) All flood risk mitigation measures shall be carried out in accordance with the approved details set out in the Flood Risk Assessment included in the Design and Access Statement prepared by ARCpure received on 14 November 2019.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Ruxley Spinney in respect of privacy.

Reasons

3. The appeal site contains a two-storey detached property with habitable rooms in the roof space and is located off Mountview Road in an offset position relative to the rear elevation of Ruxley Spinney. Owing to the spacious character of the area there would be a good separation distance between the proposed development and the neighbouring property.

4. The proposed dormer windows at first floor level on the front elevation of the development, which would serve a store and dressing room off bedroom 3, would be obscure glazed and fixed shut below 1.7 metres above finished floor level. Consequently, notwithstanding the difference in ground levels between the appeal site and Ruxley Spinney, the proposal would not result in a loss of privacy due to direct overlooking. Moreover, even if the proposed dormer windows would be highly visible from the rear garden area of Ruxley Spinney, given the angles of vision that would be created, the distances involved, and taking into account that the windows would be obscure glazed, there would be no significant loss of privacy due to the perception of overlooking.

5. Therefore, the proposal would not result in a harmful change to the living conditions of the occupiers of Ruxley Spinney in respect of privacy. Consequently, it would accord with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) and the Elmbridge Design and Character Supplementary Planning Document (2012) which, amongst other things, set out to ensure proposals protect the living conditions of the occupiers of adjoining properties.

Other Matters

6. Interested parties have raised concern about the scale of the proposal in comparison to the size of the plot and it being out of line with the character of the area. Furthermore, concern is raised about more people using the property resulting in increased traffic flow within the estate. However, these are not concerns shared by the Council. Based on my site observations and the information before me I see no reason to disagree with the Council.

7. I note flood risk concerns raised about surface water drainage on the site and boggy ground conditions. However, there is no evidence to suggest that surface water run-off could not be appropriately controlled or that the proposed development could not be made acceptable using a planning condition.

8. Concern has also been raised that the original development was not in accordance with the approved plans. However, this is not a matter which is within the remit of this appeal.

9. None of the other matters raised alter or outweigh my overall conclusion that the appeal should be allowed.

Conditions

10. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

11. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. The Council's suggested condition on flood risk mitigation measures, in regard to surface water drainage, is necessary to reduce the overall and local risk of flooding.

Conclusion

12. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR