

Appeal Decision

Site visit made on 21 October 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Appeal Ref: APP/K3605/D/20/3255386

Glanafon, Wheatleys Eyot, Sunbury upon Thames TW16 6DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Lesley Silwood against the decision of Elmbridge Borough Council.
 - The application Ref 2019/3253, dated 18 November 2019, was refused by notice dated 27 March 2020.
 - The application sought planning permission for "Detached two storey house following demolition of existing house and storage building" without complying with a condition attached to planning permission Ref 2014/5070, dated 9 March 2015.
 - 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: 422.P105; 422.P106; 422.P107; 422.P108 and the Flood Risk received on 23 December 2014, and 422.P104A received on 12 January 2015."
 - 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 dismissed.

Background and Main Issue

2. The appeal proposal seeks to amend the approved plans condition in order to increase the width and depth of the rear terrace beyond that originally approved. The proposal would be the same depth as, but narrower than that which has been built on site which I saw on my visit. The site lies within the Green Belt.
3. As a result, the main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies, and whether Condition 2 is reasonable and necessary having regard to the effect that the proposed changes would have on the living conditions of the occupiers of neighbouring properties with specific regard to increased overlooking or loss of privacy.

Reasons

Whether inappropriate development

4. Given the nature of the proposal and the context of the site and its setting, I find that it is not inappropriate development within the Green Belt under the exception set out in paragraph 145c of the Framework.

Living conditions

5. I note that the glazed rear wall and corner of the appeal site already allow views towards Waterside and its garden at the same height as the terrace. However, the proposed terrace would substantially increase the depth and width of the outside area from which such views are available and would lessen the gap between the terrace and the boundary when compared to the approved terrace. The perception of overlooking from a terrace is significantly greater than from a window.
6. At present, there is soft landscaping limiting views between the appeal site, the terrace which is subject to the appeal and the garden and rear of Waterside. However, the substantive part of that landscaping is on the Waterside side of the fencing, and as such, its long-term retention cannot be assured. Coupled with the slight fall in ground levels towards the river which increases the relative height of the extra depth of the terrace, I consider that the overall effect of the proposal would therefore be significantly harmful to the living conditions of the occupiers of Waterside with specific regard to increased actual and perceived overlooking and loss of privacy.
7. Turning to the effect on the living conditions of the occupiers of Willow Stream, whilst the proposed terrace would be no closer to that property than existing, it would be substantially deeper, offering greater opportunity for overlooking and an associated loss of privacy. As a result, the proposal would be significantly harmful to the living conditions of the occupiers of Willow Stream with specific regard to increased overlooking and loss of privacy.
8. I note the comments of the appellant that many of the properties on Wheatleys Eyot do not have side boundary screening, and that there is little private amenity space. That does not however change my conclusions on the effect of the proposal on the existing circumstances and relationship between the appeal site and its neighbours.
9. The proposal would therefore be contrary to Policy DM2 of the Elmbridge Development Management Plan 2015 and the Design and Character SPD 2015, both of which seek, amongst other things, to ensure that development protects the amenity and privacy of adjoining occupiers.

Conclusion

10. For the reasons given above I conclude that Condition 2 is reasonable and necessary to protect living conditions of occupiers of adjoining properties with specific regard to increased overlooking and loss of privacy. The appeal should therefore be dismissed.

S Dean

INSPECTOR