



Appeal Decisions

Site visit made on 29 October 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2020

Appeal A Ref: APP/K3605/D/20/3256657

Silverwood, Granville Road, Weybridge KT13 0QL

- 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 Mrs Peri Young against the decision of Elmbridge Borough Council.
 - The application Ref 2020/0261, dated 3 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is formation of new carer's flat above existing pool room and garage with additional roof space storage.
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Appeal B Ref: APP/K3605/D/20/3257243

Silverwood, Granville Road, Weybridge KT13 0QL

- 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 Mrs Peri Young against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1154, dated 15 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is form first floor extension over existing garage and pool house.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issue

3. The main issue in both appeals is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal property is a large two-storey detached dwelling situated within a spacious plot on the corner of Granville Road and Old Avenue. The dwelling has been previously extended to the eastern side with a single storey extension.
 5. Both cases propose the erection of a first-floor extension above the existing single storey side extension. The extension would provide accommodation for the appellant's carer and access would be provided via the existing garage. Appeal A proposes a taller form of development, which includes a second floor of accommodation for storage.
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6. Appeal B proposes a lower form of development, whereby the ridge and eaves height of the proposed extension would be lower than that proposed under Appeal A. In addition, Appeal B proposes a first-floor link to the host building. In respect of both cases, the proposed extension would have a gable roof form and the external materials would match the host building.
7. The Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions (the 'SPD') explains that "single or two-storey side extensions should either be fully integrated with the house or clearly be shown to be extensions".
8. In terms of Appeal A, despite the use of sympathetic materials and a gable roof form, owing to the bulk, scale and mass of the proposed extension and the significant degree to which it would be separated from the host building at first floor and roof level, the proposed extension would have the appearance of an additional unit of residential accommodation, albeit that it would be physically attached to the existing dwelling at ground floor level. Consequently, the proposed development would neither fully integrate with the existing house, nor would it be a harmonious extension to the parent property.
9. In respect of Appeal B, whilst the reduction in the overall height of the proposed extension and the introduction of a 'first floor link' would lessen the harm, I consider that the proposed extension would still appear as an additional unit of residential accommodation adjoined to the host building, as opposed to an integrated extension. Consequently, these alterations would not reduce the impact of the proposal to a significant degree as to remove the harm I have already identified in respect of Appeal A.
10. The appellant explains that views of the respective proposed extensions would not be visible from Granville Road and Old Avenue due to the significant screening provided by existing trees and other mature landscaping. Even if I were to accept the appellant's view, the effectiveness of the existing landscape screening cannot be guaranteed in perpetuity due to factors such as disease and accidental damage. In any event, the fact that the proposed development may be screened from the street, would not overcome or outweigh my concerns outlined above.
11. For the reasons set out above, I conclude that both Appeal A and Appeal B would unacceptably diminish the architectural integrity of the host building, which would cause significant harm to the character and appearance of the area. As such, the respective proposals would not accord with Policy DM2 of the Elmbridge Local Plan: Development Management Plan and Policy CS17 of the Elmbridge Core Strategy, which require new development to be of a high quality design which preserves or enhances the character of the area and takes account of the design guidance set out within the Council's SPD.
12. Accordingly, the proposal would also be inconsistent with paragraph 127(c) of the National Planning Policy Framework, which requires development to be sympathetic to the local character.

Planning Balance

13. I have carefully considered the reasons for why the appellant has applied for planning permission for carers accommodation. I have no doubt that the proposal would be of significant benefit to the appellant. These are personal circumstances to which I afford weight in favour of the appeal.
14. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 and to rights conveyed within the Human Rights Act 1998, which ensures that everyone has the right to respect for their private and family life, home and correspondence, however this right is not unfettered and can be interfered with by a public authority in accordance with law in a number of circumstances.
15. In respect of the above, these are matters which have to be weighed against my conclusion on the main issue which is that the proposal would cause significant harm to the character and appearance of the area. In this case, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that significant harm is not caused to the character and appearance of the area. Indeed, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the appellant.
16. Consequently, whilst I have taken account of the personal circumstances of the appellant, I conclude that this is not a matter which outweighs the significant harm that would be caused by the proposal in respect of my previous conclusion on the main issue.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Christopher Miell

INSPECTOR