
Appeal Decision

Site visit made on 17 November 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/K3605/D/19/3243312

Oldfield House, 12 New Road, Esher KT10 9PG

- 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 Robinson against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2056, dated 22 July 2019, was refused by notice dated 2 October 2019.
 - The development proposed is the erection of a pool lodge and a swimming pool.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The dwelling at Oldfield House is a sub-division of a larger former dwelling. It lies behind, The Lea, the other sub-divided property of the former dwelling, and New Road. By reason of this configuration, Oldfield House has its sole garden space to the rear which wraps around the bottommost part of a neighbouring dwelling's garden at 10 New Road. The surrounding area generally comprises detached dwellings set within extensive undeveloped rear gardens. Much of the area has established landscaping which gives the area a verdant quality. By reason of the area's spacious and verdant qualities, there is an attractive character and appearance.
4. Policy DM10 of the Elmbridge Development Management Plan (DMP) 2015 states that ancillary residential extensions, including 'granny annexes' and staff accommodation, should be subservient to the main dwelling. Furthermore, freestanding units that can demonstrate they are genuinely ancillary to the occupation of the main house will be considered in light of the character and amenities of the area and may be subject to conditions restricting their occupancy.
5. The pool lodge building would contain a games room, gymnasium, cinema room, bedroom, shower room with ensuite, and garage. There would also be an adjacent open air swimming pool within a terraced area and hard surfacing for vehicle parking. There would be no kitchen facilities within the lodge building. Given the nature of accommodation and the linking of rooms and

- facilities by internal doors, the building would amount to ancillary accommodation.
6. The building would be single storey compared to the two and half storeys of the host dwelling. However, the lodge building footprint would be significantly greater than half of that of the main dwelling, Oldfield House, as existing. The appellants' floorspace figure of approximately 127 sqm, also indicates a building of considerable size which is borne out by the range of facilities to be incorporated. Furthermore, the building would be a significant distance from the host dwelling being located beyond an access drive and garden area. The entrance to the building would also be mid-point along it facing the garden and remote from the main dwelling. For all these reasons, the lodge building would not be subservient because of size, siting and poor relationship with the host dwelling.
 7. Planning permission has been granted for extensions and alterations to Oldfield House which would increase its size. Accordingly, the size of the lodge building as a proportion of the host dwelling would reduce if this planning permission was implemented. However, there were no signs that the dwelling was being extended at the time of my site visit. It has been indicated that internal works were being carried out before works for the permitted extensions. However, internal works do not require planning permission and it has not been demonstrated that the permitted works would be taking place in this case. Consequently, only limited weight can be attached to this consideration and therefore, conclusions on the lodge building not being subservient remain.
 8. Turning to the proposal's effect on character and appearance, the development would not be visible from public vantage points. The pool lodge building would be partially built below ground level and would be of an attractive contemporary design. However, the development would be extensive in size and a lack of public visibility is not a sole determining consideration in determining the acceptability of development. In this regard, the building, along with swimming pool and hard surfaced areas, would cover a significant area in a backland location where properties are generally characterised by openness and landscaping. It would also be adjacent to boundaries with neighbouring properties where it would appear as an uncharacteristic and incongruous feature to residents. Although localised, there would be harm to the attractive appearance and character of the area for all these reasons.
 9. A previous appeal was dismissed in 2019 for a garden lodge building. In comparison, the appeal outbuilding has been reduced in height, size and re-positioned. However, the proposal has still been found not to be subservient and to harm the character and appearance of the area for all the reasons indicated.
 10. There are other dwellings in the area with outbuildings, tennis courts and swimming pools. However, the evidence does not detail the size and nature of these developments and invariably, there will be differences between schemes in terms of their size, nature and contexts. In any case, the number of developments is not great in number relative to the size of the identified urban area and therefore, it does not establish a prevailing characteristic of large outbuildings in rear gardens.
 11. At 25 New Road, planning permission was granted for an outbuilding at the rear of its garden. However, this development is smaller in scale and extent,

with the building restricted to two rooms, a gym and garden room. Accordingly, there are material differences between it and the proposal before me. It further demonstrates to me that every proposal has to be considered on its particular planning merits as I have done so here.

12. As part of the development, new landscaping could take place. However, landscaping would take a considerable amount of time to become effective and in any case, it would not overcome the character and appearance objections based on the size and siting of the development.
13. For these reasons, the building would not be subservient and there would be harm to the character and appearance of the area. Accordingly, the proposal would conflict with Policies DM2 and DM10 of the DMP and Policies CS9 and CS17 of the Elmbridge Core Strategy Development Plan Document (CS) 2011.

Other matters

14. By reason of the lodge building's single storey scale, there would be no harm to the living conditions of neighbouring residents having regard to privacy, light and outlook. There would be no loss of significant trees and there are no highway objections to the proposal. Given its location, the proposal would not adversely affect the significance of any locally listed building or wall. However, these are normal requirements for the acceptability of new development and as such they are not benefits to be weighed into any balance.

Conclusion

15. There would be harm to the character and appearance of the area. Accordingly, the proposal would be contrary to the identified policies of the DMP and CS, and the development plan taken as a whole. There are no other considerations to outweigh that finding and therefore, for all the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR