
Appeal Decision

Site visit made on 20 November 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020.

Appeal Ref: APP/K3605/D/20/3253207

4 Oakshade Road, Oxshott, Leatherhead, Surrey KT22 0LF

- 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 Nick Levett against the decision of Elmbridge Borough Council.
 - The application Ref 2019/3176, dated 9 November 2019, was refused by notice dated 12 May 2020.
 - The development proposed is described on the application form as “*Two storey rear extension; single storey front extension; erection of a single storey replacement garage*”.
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Decision

1. The appeal is dismissed in so far as it relates to the erection of a two-storey rear extension and a single-storey front extension and associated alterations to the house. I allow the appeal in so far as it relates to the erection of a single storey replacement garage and associated landscaping works and planning permission is granted for the erection of a single storey replacement garage and associated landscaping works at 4 Oakshade Road, Oxshott, Leatherhead, Surrey KT22 0LF in accordance with the terms of the application, Ref 2019/3176, dated 9 November 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 drawings 239-D-03 R3; 239-D-11; 239-D-12 and 203-D-12 in so far as they relate to the works approved.

Main Issues

2. The main issues are the effects of the proposal on:
 - (i) the character and appearance of the host building and the surrounding area; and
 - (ii) the living conditions of the occupiers of 3 Oakshade Road, with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a 2-storey semi-detached house. Together with its attached pair, 3 Oakshade Road¹, it forms part of a group of 4 semi-detached, white rendered houses that are set back a significant distance from the road. The frontages of the 2 pairs of houses are symmetrically arranged and essentially identical. Due to their unity and symmetry the houses form an attractive group and make a significant contribution to the character and appearance of the area.
4. The proposal would include a single-storey front addition and alterations to the front elevation including the installation of louvres and aluminium windows and glazed doors. These works would drastically unbalance the symmetry of the pair of houses resulting in an incongruous form of development that would compromise the appearance of the group.
5. Due to their siting, bulk and appearance I therefore conclude that the single-storey front extension and alterations to the front elevation would have an unacceptable effect on the character and appearance of the host building and the surrounding area. As such these aspects of the proposal are contrary to the design aims of Policies CS10 and CS17 of the Elmbridge Core Strategy (2011) (CS); Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (DMP); and the Elmbridge Design and Character Supplementary Planning Document (2012) (SPD). These policies, amongst other things, seek to ensure development proposals take account of the character of the area and have particular regard to the prevailing pattern of built development.
6. The proposal also includes a 2-storey rear extension, alterations to the side elevation and the erection of a replacement garage at the front of the appeal site. The rear and side of the appeal property are not visible from the street and the former is largely enclosed by mature trees. Although the proposed garage would be larger than the one it would replace it would, together with the associated fencing and landscaping works enhance the street frontage of the property. For these reasons I am satisfied that the rear extension, alterations to the side elevation and erection of the garage and associated works would not have an unacceptable effect on the character and appearance of the host property or the surrounding area. These aspects of the proposal therefore accord with the aforementioned policies.

Living Conditions

7. The 2-storey rear addition would extend across of the full width of the appeal property and protrude a significant distance beyond the original main rear elevation of 3 Oakshade Road, but only slightly beyond the rear elevation of the single-storey extension. As the windows in the rear elevations of No.3 are set away from the boundary shared with the appeal property there would be limited impact on outlook from the interior of the house. Whilst No.3 has its main garden area at the front, I appreciate that the paved area to the rear is valuable and useable private amenity space that is presently largely enclosed by mature trees. The rear extension would further enclose, and severely and unacceptably reduce outlook from, this space.

¹ Also known as Apple Tree Cottage

8. Due to its siting, height and depth I therefore conclude that the rear extension would have an unacceptable effect on the living conditions of the occupiers of No.3. This aspect of the proposal therefore fails to comply with DMP Policy DM2 which states that to protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate outlook. There is also conflict with the SPD which has the same aims.

Other Matters

9. The appellant states that some of the proposed changes to the appeal property could be carried out by virtue of the rights set out in the Town and Country Planning (General Permitted Development) Order 2015. In the absence of clear evidence of what as a matter of fact would be permitted development and a clear intent to carry out some form of fall-back development, I attribute limited weight to this.

Conditions

10. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be carried out in accordance with the approved plans is imposed. The proposed materials for the garage are annotated on the drawings and therefore a planning condition relating to materials is not necessary.

Conclusions

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the extensions and alterations to the house. I have found the erection of the detached garage at the front of the appeal site to be acceptable and, as this aspect of the proposal is physically and functionally severable from the works to the house, a split decision is issued.

S Poole

INSPECTOR