



Appeal Decision

Site visit made on 7 December 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/P3610/D/20/3256056

245 London Road, Ewell, Surrey KT17 2BU

- 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 Ms J Miller against the decision of Epsom & Ewell Borough Council.
 - The application Ref 20/00524/FLH, dated 6 April 2020, was refused by notice dated 19 May 2020.
 - The development proposed is ground, first floor, and loft extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 243 London Road, with particular reference to outlook.

Reasons

3. The appeal property was originally a detached bungalow. Permission has been granted for various extensions and alterations that would convert the building to a two-storey dwelling with accommodation in the attic space. Development had commenced at the time of my site visit with the outer shell of the building in an advanced stage of construction.
4. The application before me seeks a variation to the approved development, with permission being sought for a wider single-storey rear extension. This element is the focus for the Council's concerns. No objection is raised to the remainder of the scheme and I have no reason to take a different view. Although the description of development on the application form references the proposal in full, most of the extensions already benefit from planning permission.
5. The plans approved under 19/00937/FLH show a single-storey flat roof extension at the rear of the property. This structure would be 6 m deep and stepped in from the boundary with 243 London Road by approximately 2.7 m. The latest plans show the extension abutting the boundary, bringing it flush with a lean-to side extension which runs the full depth of the property. Both extensions were under construction at the time of my visit, with the external blockwork walls up to eaves height.

6. The occupants of No 243 have an outlook onto a 2.5 m high wall extending for a distance of 9 m along the boundary, measured from the rear wall of their property. The extension is positioned north-east of No 243 and this means that there are no implications for sunlight. Moreover, significant loss of daylight is unlikely. Nevertheless, the height, depth and position of the extension on the boundary combine to make it an oppressive feature which detrimentally increases the sense of enclosure in the neighbours' garden. These impacts are much greater in comparison with the fallback of the permitted scheme with fencing or vegetation along the boundary.
7. Accordingly, I conclude that the development has an unacceptable adverse impact on the living conditions of the occupiers of 243 London Road. There is conflict with Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document (2015) insofar as these seek high quality design which has regard to the amenities of neighbours, including in terms of outlook.
8. The appellant draws my attention to the fact that the occupiers of No 243 have made no comments on the application. However, this in itself does not make the development acceptable. Paragraph 127 of the National Planning Policy Framework explains that developments should promote health and well-being, with a high standard of amenity for future as well as existing users. Decision-makers have a duty to ensure that development proposals are appropriate, regardless of whether or not the current neighbours find them acceptable.
9. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR