



## Appeal Decision

Site visit made on 15 October 2020

by **N Holdsworth MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

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**Appeal Ref: APP/K3605/W/20/3254943**

**32 St Mary's Road, Long Ditton, Surbiton, KT6 5EY**

- 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 Mr Guy Saunders of Hillcote Developments Ltd against the decision of Elmbridge Borough Council.
  - The application Ref 2020/0698, dated 13 March 2020, was refused by notice dated 28 May 2020.
  - The application sought planning permission for detached two-storey building with rooms in the roof space comprising 6 flats with associated parking, bin storage and cycle storage, following demolition of existing house without complying with a condition attached to planning permission Ref 2019/1131, dated 11 November 2019.
  - 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 plan numbers 2017 P 366 401 rev A; 2017 p 366 403; 2017 P 366 405; DPA-67821-01 rev A; DPA-67821-03 rev C and 2017 366 404 all received on 23<sup>rd</sup> April 2019 and 2017 P 366 402 rev B received on 22 May 2019.
  - The reason given for the condition is: to ensure the development is carried out in a satisfactory manner.
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### Decision

1. The appeal is allowed and planning permission is granted for detached two-storey building with rooms in the roof space comprising 6 flats with associated parking, bin storage and cycle storage, following demolition of existing house at 32 St Mary's Road, Long Ditton, Surbiton, KT6 5EY in accordance with application Ref 2020/0698, dated 13 March 2020 without compliance with condition 2 attached to planning permission 2019/1131, dated 11 November 2019, but subject to the attached schedule of conditions.

### Background

2. The original planning application approved a block of flats. Cycle storage was provided in the rear garden. The application that led to this appeal seeks to change the design of the proposed cycle store. If the appeal is successful, the approved plans condition associated with the original planning decision would be varied to attach a plan depicting the amended cycle store.
3. I was able to comprehensively assess the proposal and its impact from the properties I was able to access on my site visit.

## **Main Issue**

4. The main issue in this appeal is the effect of the proposed cycle store on the character and appearance of the area; and the living conditions of existing neighbouring residents with particular regard to outlook.

## **Reasons**

### *Character and Appearance*

5. The amended cycle store would be positioned towards the end of this rear garden, close to the boundary with two neighbouring properties. The area immediately surrounding the site is comprised of residential gardens with associated landscaping and domestic paraphernalia typical of suburban areas.
6. In this context the bike store would be of a similar size and appearance to an ancillary garden outbuilding, an expected feature in this residential environment. It would not appear unusually large or long given the total size of the garden, much of which would remain undeveloped. The brick faced appearance and felt covered pitched roof would be typical of ancillary garden buildings, which are often built under permitted development rights in the curtilage of residential dwellings. The row of doors would not be prominent in any significant views from outside of the site. The arrangement would not be visually intrusive.
7. As such, the proposal would blend into its surroundings and there would be no unacceptable harm to the character and appearance of the area. It complies with policies CS17 of the Elmbridge Core Strategy 2011 and DM2 of the Elmbridge Development Management Plan 2015, together with the Elmbridge Design and Character Supplementary Planning Document 2012 which seek, amongst other things, to achieve high quality design.

### *Living Conditions*

8. The proposal is shown as 2.25 metres high at its maximum. This is a fairly typical height for a garden outbuilding, within a similar range to that of a garden fence. Consequently, the structure would not be overbearing or visually intrusive on any neighbouring property, including those which share a common boundary with the site. As such, there would be no harm to living conditions through loss of outlook. There is no conflict with policy DM2 of the Elmbridge Development Management Plan 2015 which seeks to ensure that new development protects the amenity of adjoining occupants.

### *Other Issues raised*

9. Each store is of an appropriate size to house a bike. In all cases the size and shape of the unit is adequate and it would be possible to get a bike in to or out of the store. I do not agree that the building is too big for its intended function.
10. A number of other issues are raised, including by interested parties. These include concern about the proximity of the store to the windows in the development and associated garden areas; concern about noise and disturbance associated with the use of the proposed cycle store and concern about the loss of garden area to facilitate the development, amongst other things. I have had regard to these concerns, but they do not raise issues that justify the dismissal of the appeal.

## Conditions

11. Planning Practice Guidance is clear that decision notices for the grant of planning permission under Section 73 of the Town and Country Planning Act should repeat the relevant conditions from the original planning permission, unless they have already been discharged. The conditions imposed reflect this. They have been amended to account for information that has already been approved by the Council, and the fact that the scheme has already commenced and reached an advanced stage. The wording has been agreed with both parties, neither of whom raised any objection.
12. The conditions that have been imposed are necessary in the interests of certainty; to protect the living conditions of existing residents; to ensure a satisfactory standard of development in relation to the character and appearance of the area; to ensure trees identified as being retained are protected to preserve the character and appearance of the area; to make appropriate provision for sustainable transport; and to make appropriate provision for biodiversity enhancement in line with national planning policies. The conditions as imposed comply with the National Planning Policy Framework.
13. An additional condition has been added to ensure that the cycle store is only used for the purposes associated with the block of flats it serves. This is necessary to preserve the residential character of the surrounding area. No other conditions are necessary to make the development acceptable in planning terms.

## Conclusion

14. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should succeed.

*Neil Holdsworth*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in strict accordance with the following list of approved plan numbers;
  - 2017 P 366 403; DPA-67821-01 Rev A; DPA- 67821-03 Rev C and 2017 P 366 404 all received on 23rd April 2019 and 2017 P 366 402 Rev B received on 22nd May 2019 attached to permission Ref: 2019/1131 and 2017 P 366 401 Rev B and JEA-WVH-PL-001 Rev. A received 16th March 2020.
  - In addition, various details approved by the Council in response to conditions attached to the planning permission approved under Ref 2019/1131, including those approved under the following local planning authority reference: 2019/3515.
- 2) The first and second floor windows on the north and south (flank) elevations and the rooflights on the rear elevation serving the bathrooms of the

development hereby permitted shall be glazed with obscure glass and fitted with non-opening principal lights, and subsequently maintained in this form. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.

- 3) The development hereby permitted shall have no windows or other openings (other than those shown on drawing number 2017 P 366 402 rev B) inserted into the north and south elevations unless planning permission has first been granted by the Borough Council.
- 4) All hard and soft landscaping works shall be carried out in accordance with the approved details. All remaining landscaping work not carried out at the time of this decision including new planting shall be carried out prior to the occupation of any part of the development, or in accordance with a timetable otherwise agreed in writing with the local planning authority. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species, following consultation with the local planning authority, unless the local planning authority gives written consent to any variation.
- 5) The development hereby approved shall not be occupied unless and until at least 2 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 6) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. All cycle parking shall be secure, covered and lit. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 7) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.
  - a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information.
  - b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.
- 8) The development shall be carried out in accordance with the recommendations in the Bridle & Green PROTECTED SPECIES REPORT: Bat

Presence and Absence Surveys (Ref: BG19.168.1) dated June 2019, as submitted with planning application 2019/1131. Furthermore, it is requested to install a bat tube in the new build, and also provision should be made in the roof of the new build for roosting bats. This will be achieved by the use of either an onsite constructed Morris bat slate, or a proprietary off the shelf tile. Either entrance should lead to a small roosting area behind the tiles lined with bituminous 1F felt.

- 9) The flat roof to the extension hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the local planning authority.
- 10) The building hereby permitted as part of this planning approval (as shown on drawing number JEA-WCH-PL-001A) shall be for the storage of cycles and other ancillary residential items associated with the host property and shall not be separately let, sold or otherwise occupied independently as a separate dwelling.

**END OF SCHEDULE**