The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2021

Appeal Ref: APP/K3605/W/20/3256943
Plot 3, 24 Birds Hill Road, Oxshott, Leatherhead KT22 0NJ

- 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 Aizhan Kenenbayeva against the decision of Elmbridge Borough Council.
- The application Ref 2020/0368, dated 12 February 2020, was refused by notice dated 17 March 2020.
- The development proposed is a new double garage with gym.

Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans submitted, including intended levels, as at the time of my visit it was apparent the ground had been built up to accommodate porter cabins.

3. I understand the address of the appeal site is as described as above for consistency with previous applications, it is though accessed from Birds Hill Rise.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the area, including its effect on existing trees and hedging.

Reasons

5. The appeal site sits in a prominent corner plot within the Crown Estate, existing dwellings, including that under construction at the site, follow a generally uniform building line, being set back from the road in generous plots, contributing positively to the spacious character and appearance of the area. Existing garaging generally follows a similar arrangement, being attached to main dwellings. The site as with other plots on the estate is bound by established hedging and vegetation, within which also sits several established attractive trees, combining to add to the verdant character of the area.

6. The position of the proposed building would not align with the new home under construction, instead sitting forward from it abutting the boundary hedge and close to existing trees, encroaching on to the frontage of the property adding to the overall developed coverage of the plot. This would be at harmful odds compared with that which prevails. Similarly, the intended flat roof

arrangement, whilst intended to limit its height would not be sympathetic to its surrounds as others sit under pitched roofs.

7. The computer-generated imagery shows that the proposed location of the building would ensure it was partially screened from view from the road during times in which the boundary hedge was in full leaf. However, at the time of my visit it was apparent that the hedging is largely deciduous, gaps were also present in its form, any screening would therefore be temporal throughout the year. As such the existing vegetation would not in my view sufficiently mitigate the identified harm of the proposed building's positioning in the plot.

8. The appellant has provided limited details of tree protection measures beyond during the construction phase and only at ground level. However, I have little substantive evidence before me to consider that the proposal would not harm the roots of the trees and hedging in the longer term. Also, that the proposed building would not appear to interfere with the canopies of the trees does not equate to no harm to the roots. Notwithstanding that the trees and vegetation are not the subject of any protection, they do positively contribute to the wider character and appearance of the area and would take time to replace if harmed.

9. I note the appellant considers that conditions could be applied to the proposal with regard the intended roof arrangement. However, this would in my view substantially alter the proposal which has been consulted upon. The appellant also contends that any likely harm to the trees and hedge could be dealt with through the use of a condition. However, I must consider the proposal on the evidence before me and the tree survey provided appears dated, being around five years old making it difficult to reconcile with that on-site.

10. The appellant refers to various examples of perceived precedent. On the evidence provided those decisions appear different from the proposal before me, each appearing well set back from the road, with garaging generally either adjoining or aligning with main dwellings. I therefore afford them limited weight in the appeal before me. I must also consider the appeal on its own merits.

11. I accept that proposal would not appear significantly overbearing and the building would appear subservient to the main house, also incorporating similar materials to that which exists. However, these matters do not overcome the identified harm. That which is proposed would unacceptably increase the developed coverage of the plot rather than make more efficient use of the land, be at odds with the established built form and likely harm the established trees and vegetation.

12. The proposal would therefore significantly harm the character and appearance of the area. The proposed development would not accord with Policy CS10 and CS17 of the Core Strategy 2011 and Policy DM2 of the Elmbridge Development Management Plan 2015 which seek to ensure that development proposals are designed to integrate with and enhance the local area and do not adversely effect the character and appearance of the area. I have had also had regard to the Design and Character Supplementary Planning Document, 2012, which has similar intentions.

13. In the absence of evidence to the contrary, I consider that the proposal would also not accord with Policy DM6 of the EDMP, which amongst other things, seeks to ensure retention of existing landscaping and trees wherever possible.

14. Likewise, the proposal would not constitute sustainable development as described in the National Planning Policy Framework, 2019, (the Framework) when read as a whole.

Other matters

15. The Council have not objected to the principle of development at the site. The appellant contends that this should carry heavy weight, however the proposal would not result in any apparent benefit to local housing needs, as such this carries limited weight in my determination of the appeal, which would not overcome the significant harm identified above.

16. Similarly, that the Council have not objected to the proposal before me on other grounds does not amount to more than neutral weight in the decision.

Conclusion

17. For the reasons above, having considered the Development Plan and Framework as a whole, the appeal is dismissed.

M Scriven

INSPECTOR