



Appeal Decision

Site Visit made on 9 February 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/K3605/D/20/3262271

90 Kings Chase, EAST MOLESEY, KT8 9DQ

- 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 David Stark against the decision of Elmbridge Borough Council.
- The application Ref 2020/1039, dated 2 May 2020, was refused by notice dated 9 September 2020.
- The development proposed is Single storey side extension to include new French doors.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 91 Kings Chase (No 91) with specific regard to light and any dominant or overbearing effect.

Reasons

3. The appeal site is one of a block of four houses, in a planned residential area, set in relatively generous gardens. The proposed single-storey side-extension would run adjacent to but set back from the boundary with the rear garden of No 91. The rear wall of No 91 is stepped-back back from that of the appeal site and has a window facing onto the garden. At present there is planting, including trees and bushes on both sides of the shared boundary, as well as a small outbuilding within the appeal site.
4. The proposed extension would extend to almost the full depth of the garden of No 91, creating a much greater sense of enclosure than presently exists. Coupled with the existing step-back, I consider that the length and height of the proposal would appear overbearing and over-dominant, particularly from the rear windows of No 91. I note that the extension would be set away from the boundary line, but do not consider that this would mitigate against the overbearing effect of the proposal, given the overall depth and scale of it compared to the current arrangement. Similarly, because of its orientation relative to the ground-floor windows on No 91, I consider that the proposal would have an unacceptable effect with regard to loss of light.
5. I acknowledge that there are trees and shrubs, as well as an outbuilding to the rear of the appeal site at present, which would all be removed to enable the proposal. However, these have very different effects and character than a built extension. Trees and shrubs can be trimmed or maintained, and have

changing, seasonal effects, as well as a transient and filtering, rather than permanent and solid presence and effect on light.

6. I note the similarities in form between the appeal proposal and a similar development at 88 Kings Chase. However, the context and relationship between the extension and neighbouring properties is different to those on the appeal site. I do not consider that it offers an irresistible precedent for the appeal proposal and in any event each proposal stands to be considered on its own merits.
7. I acknowledge the comments of the appellant regarding the status of the window at No 91 which would be most affected by the proposal. However, I am not convinced that light to this window is already so limited that there would be no greater harm from the proposal, or that what was originally a kitchenette warrants less protection from any harmful effects arising from the development proposed. In my view, the apparent dual-aspect nature of No 91 supports the need to protect the relevant window from the overbearing effect of the proposal.
8. The proposal would therefore have an unacceptable effect on the living conditions of the occupiers of No 91 with specific regard to loss of light and an overbearing effect. It would therefore be contrary to Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015, which seeks to ensure that development protects the amenity of occupiers of surrounding properties. It would also conflict with guidance in the Elmbridge Local Plan Design and Character Supplementary Planning Document Companion Guide: Home Extensions April 2012, which seeks to add detail in support of the policy.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR