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# Appeal Decision

Site visit made on 9 March 2021

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2021**

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**Appeal Ref: APP/K3605/W/20/3258985**

**6 Wentworth Dene, Weybridge KT13 9AJ**

- 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 P Kelly against the decision of Elmbridge Borough Council.
  - The application Ref 2020/1065, dated 6 May 2020, was refused by notice dated 23 July 2020.
  - The development proposed is for the erection of a single storey rear extension, enlarged porch and replacement windows.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. It is solely the impact of the single storey rear extension which is in dispute between the main parties. Therefore, my decision focuses on that aspect of the appeal scheme.

## Main Issues

3. The effect of the development on residential living conditions having regard to the outlook of the occupiers of no's 5 and 7 Wentworth Dene, as well as whether adequate levels of garden space for occupiers of the host property would remain.

## Reasons

4. The host property is a large detached house set within a small enclave of closely positioned, similar sized, properties served by a shared private gated access. The existing rear elevation of the host dwelling sits beyond the rear elevations of no's 5 and 7 either side of it.
5. The proposed rear extension would lead to an unduly excessive expanse of walling close to the neighbouring boundaries either side. This is because of the position of the host dwelling relative to the footprints of the properties adjacent. The impact of the bulk and mass of the proposed rear extension would be a noticeable and oppressive change. The footprint of no.5 also sits at an angle to the boundary shared with the appeal property which would make the impact more noticeable from windows closest to the extension.
6. Seen in the context of the host property the proposed rear extension would be visually imposing and intrusive. It would lead to an overbearing impact which

would spoil the enjoyment of neighbouring garden space as well as the outlook of rear facing habitable rooms, owing to its intrusive appearance.

7. The appellant refers me to the existing boundary treatments, trees, and fast-growing vegetation. But the presence of those boundary features or any additional ones would not be successful in overcoming the harm I have identified. Trees and boundary plantings would need to be tall and dense to ensure the extension would not be visible. I do not consider a planning condition seeking revised boundary treatments would be appropriate or provide successful mitigation.
8. I am referred to the judgment of Ousley J in *R (oao) Cummins & others v Camden LBC & SSETR* (2001) EWHC Admin 1116. However, the issue in dispute before me relates to resultant residential living conditions rather than the enjoyment of a private view. There are also unique site-specific considerations associated to the current appeal case informing my decision. Therefore, the judgment case is not directly comparable.
9. Moreover, the existing rear garden serving the appeal property is not excessive in size for a large family dwelling. The extension would reduce the amount of open useable outdoor space. I appreciate that a garden depth in the order of 10.3 metres with a width of 15.8 metres, and a useable area of approximately 162.7 square metres would be apparent. Nonetheless, the Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions April 2012 (SPD) refers to a garden length exceeding 15 metres as being appropriate for larger family homes. This provides me with important context as to the garden sizes which can be expected dependant on the dwelling involved as well as the location.
10. Although basic day to day living requirements such as the drying of clothes, the storage of play equipment and sitting outside could continue, they would be subject to a more constrained outdoor area. The reduction in garden space would lead to a relatively small garden area provision for a large family sized detached dwelling, which owing to its size warrants higher levels of external space. On balance, the change would lead to a reduction in living standards for the present occupiers and any future occupiers residing at the property.
11. Sunlight, daylight, and privacy impacts are not in dispute between the main parties and I have no reason to reach a different conclusion. I also note that the 45-degree advice in the SPD relates to two storey extensions rather than single storey additions. However, the fact that there is no significant reduction in neighbouring daylight/sunlight or privacy does not overcome the other harm I have identified.
12. Accordingly, I find that the development would be harmful to residential living conditions. It would conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 and the Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions April 2012 which combined seek that new development is designed to protect the amenity of adjoining and potential occupiers. There would also be conflict with Paragraph 127 f) of the National Planning Policy Framework which seeks a high standard of amenity for existing and future users.

### **Other Matters**

13. The appellant makes the case there is no harm to the character of the area arising from the development. But character impacts are not in dispute between the main parties. Therefore, that argument does not alter my conclusion in relation to the main issues of the case.

### **Conclusion**

14. For the reasons given above the appeal does not succeed.

*M Shrigley*

INSPECTOR