



Appeal Decision

Site Visit made on 22 June 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/K3605/D/21/3270386

Bellamy House, Sandy Lane, Cobham KT11 2EL

- 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 & Mrs Bordacheva against the decision of Elmbridge Borough Council.
 - The application Ref 2020/2778, dated 21 October 2020, was refused by notice dated 15 December 2020.
 - The development proposed is new timber decking, steps and handrail to front of property.
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Decision

1. The appeal is allowed and planning permission is granted for new timber decking, steps and handrail to front of property at Bellamy House, Sandy Lane, Cobham KT11 2EL in accordance with the terms of the application, Ref 2020/2778, dated 21 October 2020, and the plans submitted with it, and subject to the following condition:
 - 1) Within 3 months of the date of this permission, the front steps to the decking shall be removed and re-positioned in accordance with the following drawings 20048/21 (Existing & Proposed Decking Plans & Elevations); 20048/22 (Block Plan & Site Location Plan); 20048/20 (Existing & Proposed Site Plans); and Site Location Plan. The development shall thereafter be retained in accordance with these drawings.

Preliminary Matters

2. The appeal application was a re-submission of an earlier retrospective application which was refused by the Council. The re-submitted application made certain amendments to the finished design of the decking to remove the steps from the eastern edge of the decking and reposition them at the south-western corner. These changes were proposed by the appellant in an attempt to overcome the Council's concerns but have not yet to be carried out. Whilst the appeal is largely retrospective as the front decking, steps and handrail have already been installed, the re-positioning of the steps still needs to be carried out.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the appeal property and the surrounding area; and

- the effect of the proposed development on the living conditions of Chestnut House, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal dwelling is a large detached dwelling which is set substantially back from the road. At its front boundary, there are tall entrance gates and a boundary wall which obscure the property from view along the road. The dwelling has an extensive front garden and driveway which slope up from the front boundary to its principal frontage. There are steps leading up from the driveway to the front door, which follow the upwards slope of the garden. The surrounding area is residential in nature.
5. The decking extends along the eastern side of the property's frontage. On this side of the house, there are large windows and a set of French doors which look out over the front garden. The decking has a maximum projection forward of the property of approximately 2.7m, and a maximum width of approximately 6.9m. The decking sits slightly higher than the pre-existing level of the garden, levelling out the area so that it aligns more closely with the steps leading up to the French doors which look out over the garden. Currently, the decking is accessed from the garden by a set of steps on the eastern side of the deck, however as part of the development these would be moved to the other side of the deck, so they sit parallel with its south facing elevation.
6. Given the substantial size of both the host dwelling and its front garden, the deck appears to be a modest addition to the property, which is proportionate in scale with its surroundings. The walled steps leading up from the driveway to the front door extend out much further than the front of the deck, which means the decking is partly enclosed on its western side. This helps it integrate with the dwelling's frontage without appearing dominant. Similarly, the dwelling's frontage on the western side of the house projects out much further than the eastern side of the house. Even with the deck, this remains the case. Again, this allows the deck to assimilate well with the front of the appeal dwelling, without appearing bulky or incongruous with its wider setting.
7. The decking is made from timber and includes a low fence around its perimeter comprising timber posts, a timber handrail, and wire strung between the posts for safety. The materials used are consistent in appearance with the timber fence which runs along the eastern boundary of the appeal site, which helps the deck integrate with the garden without jarring with its surroundings. In terms of design, the deck is simple and unobtrusive and generally typical of decks which are commonplace in domestic gardens.
8. The deck is sited more than 30m from the road. As mentioned, there are tall front entrance gates and a boundary wall at the front of the dwelling's curtilage, which mean the property and its gardens are almost completely obscured from view along the road. The decking therefore has very little impact on the street scene, as it cannot be seen from the public realm. Irrespective of the front boundary treatments and as the appellant has highlighted, front verandas are commonplace among the houses along this stretch of road. Even without the front boundary treatments, I am therefore satisfied that the decking would not harm the street scene nor the character of the wider area, as the decking would still be in-keeping with the local pattern of development.

9. The decking assimilates well with the host property and its garden without appearing dominant or incongruous with its surroundings, and is typical of the grain of development in the area. I am therefore satisfied that the development does not harm the character and appearance of the appeal dwelling nor the surrounding area. For these reasons the development is consistent with Policy DM2 of the Elmbridge Local Plan: Development Management Plan (2015) (Local Plan) and the Design and Character Supplementary Planning Document Companion Guide: Home Extensions (2012) (Extensions SPD), which seek to ensure that new development is of a high quality design which harmonises with its surroundings in terms of appearance, scale, mass and height.

Living conditions

10. Chestnut House is located to the east of the appeal property and is set substantially lower, which means its first-floor windows align more closely with the ground floor windows of the appeal dwelling. The garden of the appeal property runs on an upwards gradient, which already overlooks Chestnut House. This is exacerbated by a path which runs along the eastern boundary of the appeal dwelling towards the French doors on the eastern side of its frontage. Any impact of the development on Chestnut House in terms of overlooking therefore needs to be considered against the pre-existing context.
11. The height of the deck sits just higher than the lawn which rose up to meet the front steps of the French doors, but not substantially so. Due to the pre-existing topography of the garden, in itself the deck does not substantially alter the potential for overlooking of Chestnut House. However, the deck does level out the area in front the French doors which allows the space to be used more effectively in conjunction with the dwelling. The useability of the space is therefore improved by the deck, and it follows that it will likely be used more frequently by the appellant.
12. Nonetheless, due to its design and siting, the substantive useable area of the deck is to its western side, which is the end furthest away from Chestnut House, where there are only oblique views between the two properties. Whilst there is room for a small table at this end, this is unlikely to accommodate more than a couple of people. Due the relatively narrow space within the deck, I agree with the appellant that anyone sitting on the deck would most likely be facing out over the front garden, rather than facing the appeal property. Even when the deck is being used, this arrangement means that people are likely to be looking away from Chestnut House, and not towards it. Given the steps from the garden would also be moved to its western side, anyone accessing the deck from the garden would be facing the western side of the appeal property, and not Chestnut House. The main impact on the privacy of the occupiers of Chestnut House is therefore only likely to be felt when people return inside from the deck through the French doors, which would be no worse than someone walking upwards along the path in the garden of the appeal property. I therefore do not consider that the introduction of the deck leads to any notable change to the privacy of the occupiers of Chestnut House.
13. For these reasons, I am satisfied that the decking does not cause an unacceptable level of harm to the living conditions of the occupiers of Chestnut House in terms of privacy. The development is therefore consistent with Policy DM2 of the Local Plan, Policy CS17 of the Elmbridge Core Strategy (2011) and the Extensions SPD, which together seek to ensure that new development does

not lead to unacceptable harm to the privacy of neighbouring occupiers. The development would also be consistent with the overarching objectives of the National Planning Policy Framework, which seek to ensure that neighbouring amenity is sufficiently protected.

Other Matters

14. The neighbourhood objections relating to the impact of the development on the privacy of the occupiers of Chestnut House have been dealt with in the commentary above. In terms of objections made regarding noise, light and smell pollution, I do not consider that the deck leads to any such increase over and above what is typical between neighbouring residential properties.
15. I note the appellant's offer to provide privacy screens on the eastern side of the deck to reduce any overlooking from the deck. However, I am not convinced that such screens would offer any meaningful improvement to the privacy of the occupiers of Chestnut House, as the deck will mostly be used at its western end where views between the two properties are already restricted. On this basis, I have not included a condition requiring such privacy screens to be erected or retained.

Conclusion

16. For the reasons set out above and subject to the prescribed condition, I conclude that the appeal should be allowed.

James Blackwell

INSPECTOR