



Appeal Decision

Site visit made on 29 November 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2021

Appeal Ref: APP/K3605/D/21/3282060

16 Manor Road, Walton -On-Thames KT12 2PD

- 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 Rzadkiewicz against the decision of Elmbridge Borough Council.
 - The application Ref 2021/2025, dated 1 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is for alterations and extensions to the existing family dwelling-house; demolition of existing rear extension, ground-floor internal alterations and construction of a ground-floor single-storey rear and side infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to the existing family dwelling-house; demolition of existing rear extension, ground-floor internal alterations and construction of a ground-floor single-storey rear and side infill extension at 16 Manor Road, Walton-On-Thames KT12 2PD, in accordance with the terms of the application, Ref 2021/2025, dated 1 June 2021, and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers.

Reasons

4. The appeal site is located in an established and dense residential area that is typified on one side of Manor Road by pairs of older-style, semi-detached or brick and tile terraced dwellings facing the road with garden spaces to the rear. The host property at No 16 Manor Road is an end of terrace, two storey dwelling with a single-storey, pitched roof rear extension.

5. No 16 is separated from No 18 Manor Road on the left-hand side by a gated passageway that provides high-level glimpses of the gardens to the rear, including the landscaped back garden of No 16 which tapers to the boundary with the numerous residential dwellings beyond. To the back of No 16 the rear elevations of the neighbouring dwellings on Manor Road can be seen over the fenced side boundaries of the host garden, a number of which have pitched and flat-roofed extensions. I also noted at my site visit that the host property has a ground floor kitchen window facing onto the side elevation of No 18 as well as a dining room window that faces towards the garden space in a similar arrangement to that seen at the neighbouring No 18.
6. The proposal is to demolish the existing rear extension and to construct a new single-storey, ground floor extension with a side infill in similar materials and length to the existing extension to provide a re-configured ground-floor living space.
7. I note the Council's concerns following its strict adherence to technical type tests such as the 45 degree angle test and the BRE 25 degree line as part of its assessment of the proposed development. However, notwithstanding that the proposal would be relatively close to the side boundary with No 18, and even if the proposed extension could be glimpsed at high-level through the passageway from the street, the fact remains that the proximity of the proposal would not be unexpected in this closely packed residential area and back-garden location where numerous examples of rear extensions can readily be seen, such as the newer type extension that has been constructed at the neighbouring dwelling of No 14 Manor Road.
8. Moreover, while the Council contends that the proposed development would be overbearing, I find to the contrary. Indeed, while the occupiers of No 18 are likely to change over time, the low-key flat roofed design and the plain side elevation of the simple single-storey proposal would be relatively unassuming when viewed from No 18.
9. Furthermore, the orientation of the modest proposal, in addition to the passageway gap between Nos 16 and 18, is likely to provide more than adequate sunlight and daylight to both the kitchen and the reception room of No 18 for the purposes of daily living, such as food preparation and dining. I conclude therefore, and in the planning judgement, that in this specific location the proposal would not harm the living conditions of the neighbouring occupiers.
10. Accordingly, the proposal meets the aims of Policy DM2 of the Elmbridge Borough Council Development Management Plan 2015, as supported by the Elmbridge Borough Council Design and Character Supplementary Planning Document Companion Guide: Home Extensions 2012, which says, amongst other things, that proposals should protect the amenity of adjoining and potential occupiers and users.
11. For similar reasons, the proposal accords with Paragraph 130 (c) of the Framework which requires that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Conditions

12. I have considered Paragraph 56 of the Framework and the national *Planning Practice Guidance* and imposed the following conditions for certainty; a standard time condition, a condition requiring that the development is carried out in accordance with the approved plans, and a condition related to external materials in the interests of the character and appearance of the area.

Conclusions

13. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A - Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing: 166/PL01 Rev A, dated 1 February 2021 – Plans existing and proposed location and site,
 - Drawing: 166/PL02 Rev A, dated 1 February 2021 – Plans existing and proposed Ground Floor,
 - Drawing: 166/PL03 Rev A, dated 1 February 2021 – Plans existing and proposed Roof,
 - Drawing: 166/PL04 Rev A, dated 1 February 2021 – Elevations existing (unaltered) Front and context photographs
 - Drawing: 166/PL05 Rev A, dated 1 February 2021 – Elevations existing Rear and context photographs,
 - Drawing: 166/PL06 Rev A, dated 1 February 2021 – Elevations existing and proposed Side A,
 - Drawing: 166/PL07 Rev A, dated 1 February 2021 – Elevations existing and proposed Side B,
 - Drawing: 166/PL08 Rev A, dated 1 February 2021 – Sections AA existing and proposed,
 - Drawing: 166/PL09 Rev A, dated 1 February 2021 – Sections BB existing and proposed,
 - Drawing: 166/PL10 Rev A, dated 1 February 2021 – Isometric 3D Massing Model existing and proposed.
- 3) The external surfaces of the development hereby permitted shall be constructed in the following materials:
 - Walls: masonry construction brickwork colour - yellow/brown to match existing,
 - Roof: waterproof membrane with sedum blanket,
 - Doors: bi-folding doors with high performance double glazed units in an aluminium frame.

***** End of Conditions*****