



Appeal Decision

Site visit made on 28 January 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/K3605/D/21/3286042

7 Hill Rise, Esher KT10 0AL

- 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 Mrs Emma Hurley against the decision of Elmbridge Borough Council.
 - The application Ref 2021/2460, dated 07 July 2021, was refused by notice dated 10 September 2021.
 - The development proposed is 'Single-storey side/rear/front extension following demolition of existing garage'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Single-storey side/rear/front extension following demolition of existing garage' at 7 Hill Rise, Esher KT10 0AL in accordance with the terms of the application, Ref 2021/2460, dated 07 July 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form was "Single storey side and rear extension to replace existing garage". This description was amended following submission of the application. I have referred to the amended description for the purposes of this appeal.

Main Issue

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

Reasons

4. The appeal site is a semi-detached dwelling situated in a spacious plot. The ground levels vary across the site, rising from front to rear and, also from the boundary with the adjacent property, no.5 Hill Rise. No.5 Hill Rise is situated to the south of the appeal site.
5. The appeal proposal seeks to construct a 'wrap around' side and rear extension, which would extend beyond the side and rear wall of the property along the boundary with no.5 Hill Rise.
6. The proposed extension would have an extensive depth. The side extension element of the proposal would infill an existing gap up to the boundary of the

plot and would, therefore, bring built form closer to the boundary with no.5 Hill Rise. The facing flank wall of no.5 Hill Rise contains a window which serves a habitable room, and as such, it is sensitive to increased height and mass along the boundary. However, the proposed eaves height of the side extension element would be only marginally higher than the existing boundary fence and the proposed roof would have a shallow slope away from the boundary towards its ridge, mitigating its increased height and limiting its mass.

7. The side extension element would also extend rearwards along the boundary, past the rear wall of no.5 Hill Rise. This element of the extension would replace an existing garage building. The part of the rear wall of no.5 Hill Rise closest to the shared boundary contains patio doors which serve a habitable room. Whilst the extension would have a greater overall height than the garage building by approximately 1m, its eaves height would be relatively similar and the proposed roof would slope away from the boundary, mitigating its limited increase in height and limiting its mass.
8. As such, the proposed extension would not have an overbearing impact nor result in any notable loss of light by way of overshadowing to no. 5 Hill Rise, in accordance with policy DM2 of the Development Management Plan, adopted in 2015, as well as the Framework. This policy seeks, amongst other things, high-quality design which protects the amenity of adjoining occupiers.

Conditions

9. I have imposed the standard conditions in respect of plans and time limit, to ensure the development is carried out in a timely manner in accordance with the approved plans. The Council has requested an additional condition to prevent the flat roof element of the rear extension being adapted for use as a raised platform or balcony. I consider such a condition is justified to protect the living conditions of occupiers of neighbouring property in accordance with policy DM2.

Conclusion

10. For the reasons stated above, I find that the appeal proposal accords with the relevant policies of the Development Plan, in so far as they are consistent with the Framework. The appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR

Schedule of 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: Ground Floor Proposed 11/028-003 Rev A, First Floor

Proposed 11/028-004 Rev A, Roof Plans 11/028-005 Rev A, Proposed Elevations 11/028-007 Rev A, Block Plan 11/028-008 Rev A.

3. The flat roof extension hereby permitted shall not at any time be altered or adapted to form a balcony, raised platform, roof garden or similar amenity area without the prior written permission of the Local Planning Authority.