



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/W/21/3279602

Kimlee, Molember Road, East Molesey, KT8 9NJ

- 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 Ms Jenny Hoyle against the decision of Elmbridge Borough Council.
 - The application Ref 2020/3463, dated 13 January 2021, was refused by notice dated 221 May 2021.
 - The development proposed is 'Detached two-storey house with rooms in the roof space and associated landscaping following demolition of existing house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.

Main Issues

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 chalet type bungalow situated in a small cul-de-sac within Molember Road. Molember Road is predominantly residential and comprises of a varied range of dwelling types and sizes. The appeal site is relatively modest in scale, as are the properties to either side. The building line is slightly staggered and the existing dwelling at the appeal site is set slightly further back into its plot than 'The Moorings' to its west flank (albeit 'The Moorings' has a ground floor rear extension), and 'Fontana' to its east is set much further back in its plot. The properties at this part of Molember Road back onto an engineered portion of the River Ember, leading to a nearby weir.
5. The appeal proposal would replace the existing modest sized chalet bungalow with a larger dwelling, with accommodation in its roof. The proposed roof form would be a steep mansard rising from low eaves, with an east-to-west flat roof section at its apex. This would create a particularly massive roof form overall, with deep and wide gable ends along the boundaries with neighbouring properties.

6. Whilst the roof-form would be somewhat similar to that at 'The Moorings' and its footprint would be similar to that of the existing Kimlee, the proposed low eaves height and subsequent mass would be unmatched by the adjacent properties or the existing dwelling.
7. The proposed dwelling would extend significantly beyond the rear wall of 'The Moorings' and would span the depth of most of its rear garden. Although the rear garden of 'The Moorings' is wider than that of the appeal site and the properties have a relatively open outlook by virtue of the River Ember, the proposal would nonetheless have an overbearing impact on the living conditions of 'The Moorings', especially in respect of its rear garden, due to its height, mass, depth and siting close to the boundary.
8. The occupants of Fontana, to the east, have made representations expressing concern at the mass of the proposed roof. The Council considered that the impact of the proposal on Fontana would be acceptable given the set-back position of Fontana and that its facing dormer window serves a non-habitable room. The Appellant has concurred with this finding. However, during my site visit I observed that the ground floor flank windows of Fontana serve a kitchen (as a secondary window) and two bedrooms. Whilst the relationship between the proposed and existing ground floor flank walls of the two properties would be unchanged, the far greater mass at first floor level would create an additional sense of overbearing within those rooms of Fontana.
9. For these reasons, the appeal proposal would have an unacceptable adverse impact on the living conditions of neighbouring properties, contrary to 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.

Conclusions

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

Kim Langford Tejrar

INSPECTOR