



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 16th February 2022

Appeal Ref: APP/K3605/D/21/3284636

12 Hampton Court Crescent, Graburn Way, East Molesey KT8 9BA

- 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 K Gillam against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0540, dated 15 February 2021, was refused by notice dated 13 August 2021.
 - The development proposed is 'Front and rear roof terraces, roof lights and awning'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form was "*Front and rear roof terrace with glazed access*". This description was amended following submission of the application. I have referred to the amended description for the purposes of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the site and surrounding area; and,
 - The effect of the proposal on the living conditions of occupiers of neighbouring property.

Reasons

Character and Appearance

4. The appeal site is located within Hampton Court Crescent. Hampton Court Crescent is a modern development comprising of several large terraces arranged in the style of a Regency crescent fronting the River Thames. To the rear of the terraces are outbuildings associated buildings and an access road, which also leads into The Riverside, another modern development. The appeal site is a mid-terrace townhouse type dwelling with a sloped roof which is set back from a parapet wall.
5. The architectural style of the terraces, the arrangement and regularity of their features, as well as the arrangement of the Crescent creates a strong and

- attractive sense of place, which also contributes positively to the character of the wider area, including the built riverside landscape of the River Thames.
6. The proposal seeks to remove sections of the original roof slope on either side of the ridge to create two terraces. A retractable canopy is proposed to serve as shelter for the terrace at the front (fronting the communal gardens and River Thames). Whilst the small proportion of remaining roof would follow the plane of the original roof slope, the overall architectural integrity of the dwelling and wider terrace would be interrupted by the vertical fenestration, glazed balustrade and canopy; albeit the canopy could be retracted when not in use. Although the glazed balustrade would be tinted to match the roof slope, it would not fully integrate with the remaining roof as it would be vertical and would likely reflect light. Therefore, the appeal proposal would interrupt the uniformity of the host dwelling and terrace and would undermine the architectural integrity of the Crescent as a whole.
 7. For the same reasons, the proposal would detract significantly from the otherwise positive contribution which Hampton Court Crescent makes to the wider area, including the local character of the River Thames.
 8. No.32 Hampton Court Crescent is an end-of-terrace property which features glazed upper floors as part of the cohesive design of the terrace as a whole. The design of this property is not comparable to that of the appeal proposal.
 9. The existing roof slope is not visible in close proximity to the terrace due to the height of the building and its parapet. It is also not possible to gain a significantly different perspective nearby due to the narrow width of the shared garden and access road. For the same reasons, the combined roofscape of the terraces is not particularly visible from the Thames footpath, which lies close to the site. However, glimpsed views can be achieved from the A3050 Hurst Road, and clear views of the whole roofscape are possible from Hurst Meadows Minor, Graburn Way and Molesey Lock on the River Thames. Views are also likely to be achieved from the River Thames itself, and Ash Island. Whilst these views are at a greater distance, they allow for the Hampton Court Crescent to be seen as a cohesive whole; the perspective from which its high-quality design makes the greatest contribution to the character of the area. The appeal proposal would appear prominent and incongruous in those views.
 10. For these reasons, the appeal proposal would have an unacceptable adverse impact on the character and appearance of the host dwelling, host terrace and wider area. The proposal is contrary to policies DM2 and DM13 of the Development Management Plan (DMP), adopted in 2015 and policies CS7 and CS17 of the Elmbridge Core Strategy (CS), adopted 2011, as well as the Framework. These policies seek, amongst other things, development of a high-quality design which makes efficient use of land and takes into account local character by sympathetically reflecting its riverside location, in line with the Framework.

Living conditions

11. Third parties raised a range of concerns in respect of health and safety, as well as noise. These matters are subject to other regulatory regimes and planning decisions should assume that these regimes will operate effectively. On this basis, both main parties consider that increased noise and disturbance which might emanate from the appeal proposal would be adequately addressed by

the statutory nuisance regime. As such, the effect of the proposal on the living conditions of neighbouring occupiers does not form one of the Council's reasons for refusal and both main parties referred to the statutory regime in their appeal submissions. Third parties reiterated their concerns relating to noise in their representations.

12. Although noise is subject to the statutory nuisance regime, the creation of additional noise, and the sensitivity of the prevailing acoustic environment (which in this case is residential), are planning considerations. The function of the appeal proposal would be as a private outdoor space which would increase social activity and noise much in closer proximity to the upper floor windows of neighbouring properties. It would therefore have an adverse impact on the living conditions of neighbouring occupiers, contrary to the Framework.

Conclusions

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

Kim Langford Tejrar

INSPECTOR