



Appeal Decision

Site visit made on 21 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/K3605/D/21/3284320

3 Harvey Road, Walton-on-Thames, Surrey KT12 2PZ

- 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 Litherland against the decision of Elmbridge Borough Council.
 - The application Ref 2021/1682, dated 07 May 2021, was refused by notice dated 14 July 2021.
 - The development proposed is 'Single storey side/ rear extension'.
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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 a neighbouring property; no. 5 Harvey Road.

Reasons

4. The appeal site is a mid-terrace residential property. Both the appeal site and its neighbouring properties have existing two-storey outriggers which span almost the entire width of their rear elevations. The unextended portion of rear elevation for both no. 5 Harvey Road and the appeal site is the area closest to the shared boundary. This creates a narrow recess between the properties.
5. The appeal proposal would infill its half of the recess with a single storey extension which would extend up to the boundary with no.5 Harvey Road. This extension would have a greater depth than the existing two-storey outrigger and would wrap-around it. As such, the appeal proposal is described as a side and rear extension, despite the mid-terrace nature of the site.
6. The eaves of the proposed extension would be marginally higher than the shared boundary fence and the roof would make a short slope away from the eaves up to a flat roof, up to a maximum of 3.7 metres high. The limited eaves height and roof slope are unsuccessful design attempts to minimise the impact of the proposed development on no. 5 Harvey Road. The increased depth of built form and overall height of the development in very close proximity to the boundary would have an overbearing impact on no.5 Harvey Road, from both

the rear and side-facing ground floor windows. These windows serve habitable rooms.

7. Whilst no.5 Harvey Road has a slightly south-eastern positioning in relation to the appeal site, the height and proximity of the proposed extension combined with the tunnel effect which would result from the infilling of half of the shared recess, would result in overshadowing to the windows in the rear and side-facing elevation of no. 5 Harvey Road. The same tunnel effect would also exacerbate the overbearing impact of the appeal proposal.
8. 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 Planning Policy Framework (the Framework). This policy seeks, amongst other things, high-quality design which protects the amenity of adjoining occupiers.

Other considerations

9. The Appellant has drawn my attention to a recent planning permission granted by the Council for a similar rear extension at the appeal site. Since planning permission has been granted for that scheme and there is a reasonable likelihood the development would take place as permitted, the permitted scheme constitutes a realistic 'fallback' position.
10. The main difference between the 'fallback' scheme and the appeal proposal is height. The 'fallback' scheme would have a maximum height of 2.1 metres, whereas the appeal scheme would have a maximum height of 3.7 metres. Therefore, the harm to the living conditions of neighbouring occupiers which I have identified as arising from the appeal proposal would be greater than that of the 'fallback' scheme.
11. As such, the existence of a 'fallback' position does not amount to a material consideration which indicates the appeal should be determined other than in accordance with the development plan.

Conclusions

12. 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. No material considerations indicate that the proposal should be determined other than in accordance with the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR