



Appeal Decision

Site visit made on 21 February 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/K3605/D/21/3278699

22 Ince Road, Hersham, Walton-on-Thames KT12 5BJ

- 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 and Mrs Newton against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0330, dated 31 January 2021, was refused by notice dated 10 June 2021.
 - The development proposed is a new oak-framed carport to front of dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for a new oak-framed carport to front of dwelling house at 22 Ince Road, Hersham, Walton-on-Thames KT12 5BJ, in accordance with the terms of the application, Ref 2021/0330, dated 31 January 2021, and the plans submitted with it, subject to the conditions at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. I acknowledge that car ports are not a feature of the surrounding pattern of development, and I appreciate the Council's concern about development projecting forward of established building lines. However, garages which project forward of the main house, to varying degrees, are not uncommon in this estate. Indeed, the house beside this has a double garage which stands substantially forward of the front wall of that house. I appreciate that it is connected physically to that house. However, its solidity and size has no less an impact than would this proposal.
 4. Moreover, the modest height of the proposed car-port, and most particularly its open sides and its simple means of support on timber posts, would diminish its stature in front of the house. It would appear as a familiar, garden structure which is commonly encountered in the front gardens of houses in the built-up area. Its form and detailing would not be architecturally incompatible with the house whose roof material it would reflect.
 5. While it would stand forward of the house, it would be offset by 1.6m from it. This would avoid any cramping effect on its architectural presence, which would remain the main feature on the plot as a result of the open sides of the car-port and its eaves height being no greater than the lowest eaves of the house.
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Its forward position would not therefore undermine the status of the house or the legibility of its front building line to the street.

6. Nor would its sensitive alignment to the house, and its minimal width, disrupt the front building line of the taller and more solid appearing houses in this section, at least one of which has a garage standing further forward than this proposal. Given the substantial size of these plots and the spacing between the houses, as well as the modest footprint, height, sensitive detailing and materials of the proposal, the spatial and architectural character of the area would be preserved. While it would introduce a new architectural element into the pattern of development here, it would not be incompatible in its form, appearance or siting with the house or its surroundings.
7. There would be no conflict with policies CS5 and CS17 of the Elmbridge Core Strategy 2011 and policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 which require high quality design in development and which protect the character and appearance of the area.

Conditions and Conclusion

8. In addition to the statutory time condition [1], a condition for the approved plans [2] is necessary for certainty. A matching materials condition [3] is necessary to safeguard the appearance of the area. The car-port would stand within the root protection area of a category A1, mature Turkey Oak tree. To secure its long-term health and to protect it during construction, I have applied conditions [4] to ensure that it is protected before any site clearance begins, [5] to ensure the protection remains during construction, and [6] as a precaution for the replacement of the tree as well as any hedge beside the car port, to safeguard the sylvan character of the area.
9. For the reasons above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

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:
SITE LOCATION PLAN
PL001 RevA CARPORT PLAN & ELEVATIONS AS PROPOSED
PL002 FRONT ELEVATION AS EXISTING
PL003 FRONT ELEVATION AS PROPOSED
PL004 SITE PLAN AS EXISTING
PL005 SITE PLAN AS PROPOSED
- 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
- 4) No site clearance, preparatory work or development shall take place until the scheme for the protection of the retained trees, as set out in the Arboricultural Implications Assessment and Method Statement by ROAVR Environmental dated 6 April 2021, and as shown on drawing 21_5837_03_13 Rev1 Tree Protection Plan, have been implemented.
- 5) The development shall be carried out in accordance with the Arboricultural Implications Assessment and Method Statement by ROAVR Environmental dated 6 April 2021, and as shown on drawing 21_5837_03_13 Rev1 Tree Protection Plan. All tree protection measures shall be maintained for the duration of the construction of the development.
- 6) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the completion of the development other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.
If any retained tree, and any hedge beside the car port, is removed, uprooted or destroyed or dies, another tree, or hedge of similar size and species shall be planted at the same place, in the next available planting season or sooner.

END OF SCHEDULE OF CONDITIONS