



Appeal Decision

Site visit made on 4 April 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 APRIL 2022

Appeal Ref: APP/K3605/D/21/3286280

20 Radnor Road, Weybridge KT13 8JU

- 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 Thomas Alexander Design against the decision of Elmbridge Borough Council.
 - The application Ref 2021/2537, dated 8 July 2021, was refused by notice dated 27 September 2021.
 - The development proposed is proposed rear ground floor and side extension and removal of existing bay window.
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Decision

1. The appeal is allowed and planning permission is granted for proposed rear ground floor and side extension and removal of existing bay window at 20 Radnor Road, Weybridge KT13 8JU in accordance with the terms of the application, Ref 2021/2537, dated 8 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1275/022, 1275/030, 1275/031, 1275/032, 1275/033, 1275/040, 1275/100, 1275/200, 1275/020, 1275/021, 1275/300, 1275/301, 1275/302, 1275/303, 1275/400, 1275/500, 1275/010, 1275/201, 1275/202, 1275/001
 - 4) All flood mitigation measures shall be carried out in accordance with the details set out in the Flood Risk Assessment for Planning by UNDA dated December 2020 including the physical design measures at section 6.3, safe escape and flood action plan at section 6.4 and surface water drainage at section 6.5.1.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring occupiers with particular respect to any overbearing effect to 22 Radnor Road.

Reasons

3. Between 20 and 22 Radnor Road there is a small, enclosed side return, surrounded by two storey walls with a small opening to the rear. There is also a

timber fence, separating these two properties. Beyond the main rear elevations are small gardens set at a lower level than the houses with open space beyond. At ground floor, 22 Radnor Road has two windows which open onto the side return and an opening which faces its garden.

4. The proposal would introduce a wall around 2.4m high above ground floor level along the shared boundary, with a pitched roof behind, and this would extend beyond the existing rear elevation of no 20. This would be visible from the rear windows at no. 22. Nevertheless, taking into account the proposed height and depth and the relationship between the site and its neighbour, appeal scheme would not notably alter the enclosed character of the side return nor the open character of the adjoining garden. Consequently, the perception from the existing windows at no. 22 would not significantly change. Therefore, the proposed development would not result in harmfully overbearing development.
5. The effect on light is not in dispute between the main parties, and I agree that the development would be appropriate in this respect.
6. As such the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers with particular respect to any overbearing effect to 22 Radnor Road. Therefore, in this regard, it would be in accordance with Policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015) which requires that all new development shall protect the amenity of adjoining occupiers, amongst other things. As well as the Design and Character Supplementary Planning Document Companion Guide: Home Extensions (April 2012), which provides further advice that development should preserve the amenities of neighbours.

Conditions

7. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
8. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in materials to match the existing property would be necessary to preserve the character and appearance of the area. A condition requiring that the measures set out in the flood risk assessment are implemented is required in order to ensure that the development is safe, the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere and that residual risks are safely managed.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR