



Appeal Decision

Site visit made on 15 March 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/P3610/W/21/3277415

22 The Greenway, Epsom KT18 7HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Sacha Rameshwar against Epsom and Ewell Borough Council.
 - The application Ref 21/00595/FLH, is dated 31 March 2021.
 - The development proposed is the erection of two storey side extension, first floor rear extension and loft conversion including the erection of a roof dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's development description as it more accurately and concisely describes the development to which the appeal relates. I also note that the Appellant has utilised this on their appeal form. Fundamentally it does not change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.
3. The appeal is against the Council's failure to determine application Ref 21/00595/FLH within the relevant statutory period. The Council has set out at appeal that had it been in a position to do so, it would have refused permission for the development proposed. The Council has provided clarity in terms of the reasons why it would have refused planning permission in an officer report.
4. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not change the planning policy context in respect of the main issues.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area; and
 - The effect of the development on the living conditions of the occupiers of 24 The Greenway with particular regard to light.

Reasons

Character and appearance

6. The appeal site comprises a semi-detached property, surrounded by others of a similar style and age. The adjoining property, 24 The Greenway, is set below

the appeal site due to the topography of the street. Similarly, the rear garden of the appeal site slopes down away from the house. Each pair of semi-detached properties historically had a hipped roof, creating a sense of uniformity and harmony within the street. In most cases, and despite some changes to the appearance of properties here over time, this arrangement remains.

7. A gap typically exists between each pair of semi-detached houses in the street. This provides a sense of separation between each pair of properties. Through these gaps can typically be seen open sky or mature trees in gardens and landscape beyond. This historic layout breaks up the otherwise urban nature of the streets in this location and makes a positive contribution to the character and appearance of the area.
8. The development would infill the existing break between the property and the shared boundary with the adjoining property, 20 The Greenway, with the front elevation of the extension flush with the original property. The roof would be extended over the full width of the extension, terminating with a gable end with matching ridge level and materials.
9. The Council's Householder Applications: Supplementary Planning Guidance (2004) (SPG) does allow for extensions which are flush with the front elevation of the main property where these are set back by 2.5 metres from the side boundary. This is not the case here and the overall extension and change in roof slope would severely unbalance this pair of properties.
10. Consequently, I find that the proposed two-storey side extension, together with roof modifications, would fail to respect the established streetscape rhythm and would fail to appear as a subservient addition to the original dwelling.
11. The proposed rear extensions and modifications would largely be out of sight from public vantage points, although would likely be glimpsed from The Greenway. From that perspective, it would have little appreciable effect on the street scene. However, due to the elevated position of the appeal site and the curve in the road, views of the rear of the property could be obtained from a number of private vantage points. The proposed development, due to its overall scale and design, would not be consistent with other rear and roof extensions in the surrounding area and would dominate the original property, forming a bulky and incongruous addition.
12. The appellant has drawn my attention to a number of properties within The Greenway which already have two-storey side extensions. These extensions vary significantly, with some featuring flat roofs, some setback from the front elevation of the original property, some set back from the side boundary and others with hipped roofs with lowered ridge levels relative to the main roof. I also note that many of these extensions appear to be historic. In all likelihood, these varying designs were an attempt by the property owners, or at the request of the Council at the time, to minimise the impact of extensions on the established gaps between properties and to ensure that a sense of subservience to the original dwelling is maintained.
13. Irrespective of the reasons behind the varying styles and scales of extensions that do exist, many go some way to maintain the sense of separation between properties and a subservience to the main dwelling, as reasoned above. As such, whilst properties have benefitted from similar extensions in the past, the

character of the wider area is not defined wholly by these side extensions. Moreover, each proposal must be considered on their individual merits.

14. Consequently, I conclude that the proposed development would have a detrimental impact on the character and appearance of the host property and wider street scene, contrary to the relevant provisions of Policy CS5 of the adopted Core Strategy (2007), Policy DM10 of the Development Management Policies Document (2015) and the Epsom and Ewell Borough Council Householder Applications SPG (2004), which in summary seek to ensure development complements the characteristics of the borough. The proposal would also be at odds with the overarching design aims of the Framework.

Living Conditions

15. The existing property has a two-storey addition to the rear which is positioned away from the boundary with No 24. The proposed development would extend this addition across the full width of the property, up to the boundary with No 24, and would also create an additional storey.
16. The rear extension element of the proposal would undoubtedly have an impact on the level of light available to the adjacent first floor bedroom window at No 24. This is apparent from its conflict with the 45 degree rule as set out in the Council's Householder Applications SPG. However, this conflict is marginal. This, together with the limited 2 metre projection of the extension and its position to the north of No 24 is such that the effect on daylight would be acceptable.
17. Given the orientation of the site to its neighbours and sunrise through to sunset, the proposal will not have a significant impact on the level of sunlight to the rear aspect of No 24. In addition to the above, the extent of the projection will not have any significant impact on outlook given the views available over the properties own rear garden.
18. I have also had regard to the potential loss of privacy to the occupiers of No 24. However, I am satisfied that the additional window openings and balcony would not result in an unacceptable impact on privacy as they would face over rear gardens only, in a similar vein to these existing windows.
19. For the above reasons the proposal would not harm the living conditions of the occupiers of 24 The Greenway. The proposal would therefore accord with the relevant provisions of Policy CS5 of the adopted Core Strategy (2007), Policy DM10 of the Development Management Policies Document (2015) and the Epsom and Ewell Borough Council Householder Applications SPG (2004), which in summary seek to ensure development protects the amenity of the occupiers of neighbouring properties. It would also be consistent with the design aims of the Framework.

Other Matters

20. I have also had regard to the other matters raised in the representations, including structural matters, and the numbers of cars. However, none of these matters provide for a further compelling reason why planning permission should be withheld.

Conclusion

21. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR