



Appeal Decision

Site visit made on 20 April 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 APRIL 2022

Appeal Ref: APP/K3605/D/22/3292938

20 Riverside Drive, Esher KT10 8PG

- 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 & Mrs Ryland against the decision of Elmbridge Borough Council.
 - The application Ref 2021/4076, dated 25 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is part two/part single rear extension, loft conversion and façade modifications.
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Decision

1. The appeal is allowed and planning permission is granted for part two/part single rear extension, loft conversion and façade modifications at 20 Riverside Drive, Esher KT10 8PG in accordance with the terms of the application, Ref 2021/4076, dated 25 November 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 approved plans. HA/20RD/01 A01, HA/20RD/02 A01 HA/20RD/03 A02, HA/20RD/04 A02
 - 4) The flat roof to the extension hereby permitted shall not at any time be used as a balcony, roof garden or similar amenity area.
 - 5) Prior to the first occupation of the development hereby permitted the first floor windows in the side elevations of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. These windows shall be retained as such thereafter.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring occupiers with particular regard to any overbearing effect on 22 Riverside Drive.

Reasons

3. Along the side elevation closest to no. 22, the proposed extension would project around 3.2m, and would be two storeys in height with a pitched roof above. Both houses at no. 20 and 22 are set away from the boundary, and this would not change, resulting in some separation between the extension and the adjacent property.
4. The windows at no. 22 closest to the proposed addition are bay windows to the rear which have their main aspect across the garden, and windows to the side elevation which face towards the side of no. 20. This neighbouring dwelling is a large property with a generous garden and benefits from a number of other windows from which the extensions would be unlikely to be readily apparent.
5. Therefore, considering the separation and depth of the proposed extension along with the arrangement of the neighbouring dwelling and its plot, the proposed two storey extension would not have an unacceptably overbearing effect.
6. Furthermore, taking into account the detailed evidence by professionals, I am satisfied that acceptable levels of daylight and sunlight would be achieved in the neighbouring property and its garden. Additionally, the proposed rear windows would not result in a significant increase in overlooking over and above that which currently exists from first floor rear windows.
7. Consequently, the proposed development would result in an acceptable effect on the living conditions of neighbouring occupiers with particular regard to any overbearing effect on 22 Riverside Drive. Therefore, in this respect, the proposed development would be in accordance with Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 which requires that new development should protect the amenity of adjoining occupiers, amongst other things. As well as the advice in the Elmbridge Local Plan Design and Character Supplementary Planning Document April 2012 which provides advice on achieving good design, including considering amenity issues.

Other Matters

8. I have no indication that other properties on the Eastern side of Riverside Drive are proposing similar additions. In any case, if they were, these would be judged on their individual merits.

Conditions

9. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework (2021) and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
10. 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 that materials should match the existing is in order to protect the character and appearance of the area. Also, conditions that the roof must not be used as a balcony or similar and that first floor side windows should be obscure glazed and only open above 1.7m is required in the interests of the living conditions of neighbouring occupiers.

11. The evidence before me shows that the site has a low risk of flooding from rivers and seas and it is outside the area at a high risk of flooding from surface water. Taking into account the scale and nature of the development I am satisfied that it would not increase the overall and local risk of flooding. Consequently, a condition to secure flood mitigation measures is not required.

Conclusion

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

H Miles

INSPECTOR