

Appeal Decision

Site visit made on 20 June 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/K3605/D/22/3297060

31 Imber Park Road, Esher KT10 8JB

- 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 Mrs Rebecca Cook against the decision of Elmbridge Borough Council.
 - The application, Ref. 2021/4297, dated 15 December 2021 was refused by notice dated 7 March 2020.
 - The development proposed is the erection of a single storey extension with associated rooflights to a detached house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of No. 33 Imber Park Road as regards outlook and light.

Reasons

3. The proposed extension would be positioned with its flank wall 0.3m from the existing side boundary fence with No. 33, and as a single storey addition this accords with the Council's guidance. The extension would have an eaves height of 2.95m with a pitched roof sloping up to a crown roof at a height of 3.75m.
 4. The Council's concern is the effect of the extension and in particular the eaves height on the triple panel side window at No. 33. I saw on my visit that this window is about 1m away from the boundary fence. I am satisfied that the oblique views in the outlook from the window and the daylight and sunlight it currently receives would be noticeably affected by the combination of the height and distance of the proposed extension, bearing in mind also its considerable length along the shared boundary.
 5. For the appellant it is argued that this is a secondary window and as such should not be given the same protection as the principal window to the rear. Whilst this point merits some weight, I am satisfied that the size and layout of the room affected in this instance is such that the outlook and light that the triple window affords is important for the current and any future occupiers of No. 33.
-

6. Despite being an improvement on previous schemes, the appeal proposal would result in a significant loss of outlook and light that the window provides. The fact that the top section of the main side window of No. 33 is at present clearly in view from the other side of Imber Park Road and from the rear part of No. 31's garden tends to confirm the difference that the extension would make compared to the existing boundary fence in terms of the aspect that it affords.
7. Reference is also made in the grounds of appeal to the effect that alterations and additions have had on the relationships between Nos. 29 & 31 and between Nos. 33 & 35. However, there are some differences between the circumstances in those examples and the current scheme, which in any event I consider that I should assess on its individual merits as assessed on the information provided in the appeal documents and the appraisal I made on my visit.
8. In summary, I conclude that the effect of the proposed side extension on the living conditions for the occupiers of No. 33 would be one of harmful conflict with Policy DM2 of the Elmbridge Local Plan: Development Management Plan 2015, the Council's Design and Character SPD: Home Extensions 2012 and paragraph 130f) of the National Planning Policy Framework 2021.
9. For these reasons I dismiss the appeal.

Martin Andrews

INSPECTOR