

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 for Communities and Local Government

Decision date: 27 July 2022

Appeal Ref: APP/K3605/D/22/3295626

51 Angel Road, Thames Ditton, Surrey KT7 0AZ

- 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 Dominic Otero against the decision of Elmbridge Borough Council.
 - The application, Ref. 2021/4209, dated 8 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is the construction of a single storey infill extension to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey infill extension to the rear of the property at 51 Angel Road, Thames Ditton in accordance with the terms of the application, Ref. 2021/4209, dated 8 December 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 development shall be carried out in accordance with the following approved plans: Drawing Nos. 51AR-PA-0001 & 0001A (annotated OS based Location & Site Plans); 51AR-PA-0002; 51AR-PA-0003;
 - 3) 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;
 - 4) As part of the construction of the proposed development flood mitigation measures shall be carried out in full accordance with the approved details set out in the Flood Risk Assessment prepared by Louise Profit and submitted to the Council on 2 March 2022.

Main Issue

2. The main issue is the effect of the development on the living conditions for the occupiers of No. 53 Angel Road as regards outlook.

Reasons

3. The Council's assessment is that the height of the eaves and ridge of the proposed extension would create a tunnelling effect on the outside space at No. 53 and that the accompanying loss of outlook would result in an overbearing impact for the occupiers of that dwelling.
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4. I saw on my visit that No. 53 has a ground floor window in the rear wall of the main part of the dwelling and a large side window facing the boundary with No. 51. In addition there is an attached conservatory with extensive glazing to the side and rear.
5. I have noted the Council's concerns. However, the appeal statement demonstrates that in terms of the 45 degree rule for the outlook from No. 53, the existing two storey projection at No. 51 already fails this test except for the sightline from the rear conservatory window of No. 53. The extension would be very close to that sightline but would not intersect it.
6. The more relevant assessment is the direct outlook from all the side facing windows at No. 53. However, the existing horizontal sightline from inside that property already terminates at the boundary fence and the only change would be that the outlook towards a pebbledash wall rather than an existing timber panelled fence.
7. As regards the upward sightline, with the proposed extension's modest eaves height of 2.54m and the pitched roof that meets the house wall at a 'ridge' height of 3.35m, again there would in practical terms be no further obstruction than the existing situation without the extension.
8. I agree with the Council that with the increased height of the boundary there would be a tunnelling effect in the outside yard of No. 53, but with the limited height differential this would only be slight increase from that which already occurs. There would also be some mitigation of any perceived reduction of outlook in the form of a white pebbledash boundary wall instead of the brown coloured fence, whilst the 'lightweight' form of the glazed roof would additionally be perceived as having a beneficial effect.
9. Overall, I conclude that the outlook for the occupiers of No. 53 would not be unduly affected by the appeal scheme and accordingly there would be no harmful conflict with Policy DM2 of the Elmbridge Borough Council Development Management Plan 2015; the Council's Design and Character SPD 2012 and paragraph 130f) of the National Planning Policy Framework 2021.
10. I am also mindful of the fact that the occupiers of No. 53 have not objected to the proposal in response to the Council's consultation on the application. Whilst in itself this is rarely the deciding factor in a planning decision, it is nonetheless a reasonable indication that a development proposal would not have an unacceptable impact on a neighbour.
11. In allowing the appeal I shall impose a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty and proper planning. A condition requiring matching external materials will maintain visual amenity. Finally, as the appeal dwelling is in Flood Zone 2, a condition to minimise the risk and effects of flooding is also appropriate.

Martin Andrews

INSPECTOR