

Appeal Decision

Site visit made on 21 June 2021

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/22/3296818

20 Station Road, Claygate, Esher, Surrey KT10 9DH

- 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 Judith Evans against the decision of Elmbridge Borough Council.
 - The application, Ref. 2021/3885, dated 9 November 2021, was refused by notice dated 3 February 2022.
 - The development proposed is a loft extension and conversion; new rear ground floor patio doors; 2 no. new front facing rooflights; removal of 1 no. existing chimney.
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Decision

1. The appeal is allowed and planning permission is granted for a loft extension and conversion; new rear ground floor patio doors; 2 no. new front facing rooflights & removal of 1 no. existing chimney at 20 Station Road, Claygate, Esher in accordance with the terms of the application, Ref. 2021/3885, dated 3 February 2022, 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: OS Location & Block Plans; Drawing Nos. 4338/002 Rev. B; 4338/003 Rev. B; 4338/004 Rev. B; 4338/005 Rev. B;
 - 3) The development shall be carried out in accordance with details and samples of external materials first submitted to and agreed in writing by the Local Planning Authority.

Main Issue

2. The main issue is the effect of the proposed L-shaped dormer on the character and appearance of the host dwelling and its surroundings.

Reasons

3. The Council's objection is that the proposed L-shaped dormer would dominate the roof plane and unacceptably harm the character and appearance of the host dwelling and the surrounding area. For the appellant it is argued that the Council interprets the provisions of the GPDO differently to some other Councils. I acknowledge this, but in the absence of clarification by the Government or adjudication by the Courts as to these differences I shall not have regard to it in making my decision.
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4. I accept the Council's view that compared to the existing building the proposed development would not be complementary to the appearance of the original building, albeit it is at the rear of the house and cannot be seen in public views. At the front, the proposed two new rooflights would be a discreet and thereby acceptable alteration to the roof and retain the character and appearance of the dwelling, the terrace and the street scene as a whole.
5. As regards the rear of the dwelling, the main dormer element on the rear roof plane which is permitted development and the subject of a lawful development certificate ('the LDC') would be a significant change to its appearance. The L-shape of the dormer that also takes in the roof of the outrigger would add to the impact of this 'fall-back' position for the appellant, but in itself have a lesser visual impact than the LDC development.
6. Furthermore, the character and appearance of the immediate surroundings has been changed by the Council's recent permission at No. 17, just three houses away, which granted a near identical dormer to that now proposed. I note from the appeal statement that the officer's report in that case states that whilst the dormer may be contrary to the Council's Home Extensions Companions Guide ('the HECG'), *'there are a number of similarly sized dormers in the vicinity, including the property directly adjoining the application site'*. From the view at the rear of No. 20 this appears to be a reference to a L-shaped dormer at No. 16 Station Road.
7. In this appeal, the proposed dormer would have larger 'set ins' from the existing roof than those at No. 17 and to some extent this would reduce its dominance of the existing roof. On balance, I consider that the larger dormer approved at No. 17 and the other L-shaped dormer at No. 16, combined with the fact that the roof extension and alteration would not in any way affect the street scene of Station Road, comprise extenuating circumstances that weigh in favour of the appeal being allowed.
8. I recognise that the appeal scheme would be in some conflict with the Council's HECG; the Elmbridge Core Strategy 2011 Policy CS17; the Elmbridge Development Management Plan 2015 Policy DM2 and Section 12: 'Achieving Well-Designed Places'. However, for the reasons explained I consider that this conflict would not be unacceptably harmful.
9. 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 the Council's prior approval of external materials will safeguard visual amenity.

Martin Andrews

INSPECTOR