

# 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**

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## **Appeal Ref: APP/K3605/D/22/3298729**

### **31 Effingham Road, Long Ditton, Surbiton KT6 5JZ**

- 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 Alan Graichen-Cunningham against the decision of Elmbridge Borough Council.
  - The application, Ref. 2022/0125, dated 18 January 2022, was refused by notice dated 13 April 2022
  - The development proposed is a single storey rear extension.
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## **Decision**

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 31 Effingham Road, Long Ditton, Surbiton in accordance with the terms of the application, Ref. 2022/0125, dated 18 January 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: Drawing Nos. 3660-P01 & 3660-P13b;
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

## **Main Issue**

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of 29 Effingham Road as regards outlook and light.

## **Reasons**

3. The Council's objection to the appeal scheme is that the proposed extension with its 4.6m depth and 3m eaves height close to the boundary with No. 29 would be unduly dominant and overbearing to that property. In addition, it would intersect with a notional 45-degree line taken from the edge of a ground floor window at No. 29, contrary to the design advice in the Council's Home Extensions Companion Guide ('the HECG').
  4. On this basis and combined with its position southwest of No. 29 the extension is considered to additionally affect the light to the neighbour as well as having an adverse impact on the outlook. There is no information on the file as to
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whether the case officer visited Nos. 31 and 29 to assess the weight that should be afforded to the HECG in the light of the particular circumstances that apply.

5. However, at my visit I was able to view the rear of No. 29 from a bedroom window in the appeal dwelling, whilst the grounds of appeal include a suite of photographs of the inside and outside of this neighbouring property. (For the appellant it is pointed out that the occupiers of No. 29 are in support of the proposal, and this would account for the inclusion of these photographs in the appeal statement).
6. The ground floor accommodation to the rear of No. 29 is a large area of open plan floorspace accommodating a kitchen/ dining area / family room. This area has three sets of floor-to-ceiling fully glazed doors for its outlook and light: one in the rear wall of the original dwelling; one in the wall of No. 29's large single storey addition that faces the boundary with No. 31, and one in the rear wall of that extension overlooking the rear garden of the property.
7. There is also a good-sized patio between this extension, with several metres distance between the facing glazed doors and the boundary with No. 29. The wall of the proposed extension at No. 31 would be slightly set in from this boundary and would be 3m high to support a flat roof section to the side of the central dual pitched roof. This would have its ridge just a metre higher than the eaves and be positioned well away from the boundary with No. 29.
8. In these circumstances, I can see no reasonable basis for objecting to the proposal in terms of a reduction of light and outlook. There would be a slight increase in enclosure on the side patio between the boundary at No. 29 and its existing extension but given this has an open southerly aspect to a large rear garden the higher boundary with No. 31 would be barely noticeable.
9. Overall, I conclude that there would be no harm caused to the living conditions for the occupiers of No. 29 as regards light and outlook. Accordingly, there would also be no conflict with Policy DM2 of the Elmbridge Development Management Plan 2015; the HECG that accompanies the Council's Design and Character SPD 2012 and paragraph 130f) of the National Planning Policy Framework 2021.
10. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring matching external materials will secure a harmonious form of development that will safeguard the character and appearance of the house.

*Martin Andrews*

INSPECTOR