

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/22/3292979

32 Claygate Lane, Esher, Surrey KT10 0AQ

- 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 Samuel Day against the decision of Elmbridge Borough Council.
 - The application, Ref. 2021/4208, dated 8 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is demolition of an existing single storey rear extension & erection of enlarged single storey rear extension & first floor side extension above existing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed first floor side extension on the character and appearance of the Claygate Lane street scene.

Reasons

3. The Council's concern is that the proposed first floor extension would be built tight to the boundary with No. 34 as opposed to being set back by a minimum of a metre, as indicated in the Design and Character SPD Companion Guide: Home Extensions 2012 ('the HECG'). It is considered that the consequence of this extension would be one of 'a terracing effect' in this part of Claygate Lane, to the detriment of its character and appearance.
 4. This character and appearance is in some measure due to the original design of the dwellings having included catslide roofs on their left side as seen from the road, as is the case with the appeal dwelling. It may well be that all of the houses originally had this design, but in the case of dwellings with long-established extensions this is difficult to ascertain. Even if this is not the case, the design incorporating left hand catslide roofs can still be seen on many, if not most of the dwellings on this side of the road up to the junction with Chesterfield Drive.
 5. However, what is beyond doubt is that whilst at ground floor level the houses in the road are mostly tightly spaced, the still-existing gaps at first floor and roof level significantly contribute to the spacious feel of the locality, by emphasising the detached nature of the buildings and by enabling views of mature trees in
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the back gardens. This aspect combines with the pavement trees and the greenery of the front gardens, albeit in some cases including the appeal dwelling mainly the hedge boundaries, to provide a verdant street scene.

6. The grounds of appeal refer to the examples where the eaves of adjoining houses are at full two storey height, whether just possibly as part of the original building or as a result of an extension. I understand the precedent argument and to that extent recognise the appellant's assessment should carry some weight. However, the more important point is that these extensions are not yet sufficient in number to have altered the character and appearance of the road as a whole.
7. Moreover, I am also of the view that in addition to the absence of a more generous gap between the houses at eaves level diminishing the quality of the street scene, a precedent that causes harm should not be followed unless there are extenuating circumstances. And as the Council has explained, to fill in the first floor gap between Nos. 32 & 34 would be in clear contravention of the provision of the HECG that a minimum distance of a metre should be maintained between extensions above ground floor level and site boundaries in order to prevent a terracing effect.
8. Overall, I therefore conclude that if permitted, the extension would further erode the quality of the original character and appearance of this part of Claygate Lane, an attribute that can still clearly be seen. In addition to contravening the HECG, the appeal scheme would be in harmful conflict with Policy CS17 of the Elmbridge Core Strategy 2011 and Section 12: 'Achieving Well-Designed Places' in the National Planning Policy Framework 2021.
9. For these reasons I dismiss the appeal.

Martin Andrews

INSPECTOR