



Appeal Decision

Site visit made on 31 August 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15TH September 2022

Appeal Ref: APP/K3605/D/22/3301052

16 Gordon Road, Claygate Surrey KT10 0PQ

- 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 Karen & Lee James against the decision of Elmbridge Borough Council.
 - The application Ref: 2022/0770 dated 9 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is side and rear extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing dwelling and of the local area, and
 - b) The effect of the proposal on the living conditions of the neighbours at No 18 Gordon Road.

Reasons

Issue a) Character and Appearance

3. The appeal property is a detached two storey dwelling on the west side of Gordon Road, and within a predominantly residential area. There is a broad mix of houses in the locality, both detached and semi-detached, with considerable variation in terms of proportions, height and massing.
4. The appeal property as existing has a single storey extension on the northern side and a flat roofed garage on the southern side and a conservatory at the rear. The proposal would introduce a first floor extension over the single storey extension on the northern side under a hipped crown roof, with the eaves height matching the existing eaves and ridge set down. The conservatory would be removed and a rear extension provided which would wrap around the southern side with a side extension over. This would be set back from the front also under a hipped crown roof with a lower eaves and ridge line to the main house.

5. I consider that the proposed extensions, in terms of scale, massing and design would be well considered to respect the character and appearance of the existing dwelling.
6. The Council's Design and Character Supplementary Planning Document (2012) (SPD) focussing on Home Extensions and Improvements, sets out guidance on design principles on house extensions. Paragraph 1.21 deals specifically with side extensions with the concern that these can lead to a terracing effect. This is noted to be particularly the case where the fronts of houses are a similar distance from the edge of the highway and a minimum of 1m is advised between extensions at first floor above and the boundary. In this case, about 1m is achieved although the Council is concerned that the first floor extension on the northern side would be slightly under 1m. However, the street scene is extremely varied with individually distinctive houses; the adjoining house to the north is set back further from the street frontage and both adjoining properties have modest gaps to their side boundaries. Taking into account the relationship with the neighbouring properties, and the design of the extensions, both set back from the front building line, and particularly on the southern side, I am satisfied that there would be no terracing effect and harm to the street scene.
7. The Council has also raised a concern that the eaves line would not follow through to the existing eaves line on the extension on the southern side which does not follow the guidance in the SPD. However, given the set back of the extension on the southern side, the lower eaves line together with the lower ridge line would not in my view appear out of place but assist in indicating the subservience of the extension to the main dwelling.
8. I am therefore satisfied that the proposed extensions would respect the character and appearance of the existing property and of the local area. There would be no conflict with Policy CS17 of the Core Strategy 2011, Policy DM2 of the Development Management Plan and the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other matters, seek a high quality of design which respects the local context.
9. I have noted that the proposal would not comply with all of the detailed guidance in the SPD. However, I have found that the proposal would respect the character and appearance of both the existing house and the local area. In the particular circumstances of this case, and for the reasons set out above, I consider that there would be justification for an exception to be made to these parts of the SPD.

Issue b) Living Conditions of Neighbours

10. The proposed development would bring two storey development close to the side boundary with the adjacent property at No 18, albeit the first floor would be slightly set in from the ground floor.
11. The Appellant has referred to alterations being undertaken to No 18 to open up the ground floor accommodation and this appeared to have been undertaken at the time of my site visit. Although the ground floor accommodation is served by a number of windows facing to the rear as well as to the side, there are two good sized windows on the side elevation, where the outlook would be, were planning permission to be granted, onto a blank wall over two storeys in close proximity.

12. The Appellant has demonstrated that given the orientation of the two houses, there would be no loss of sunlight or overshadowing, although I have no information in respect of light. Nonetheless the proximity of the proposed development over two storeys would be unneighbourly and would be oppressive and enclosing in terms of outlook from the side windows facing towards the appeal property. This would in my view materially harm the living conditions of the neighbours at No 18 from their ground floor habitable space.
13. The Council has also raised a concern that the raised patio, given its depth beyond the rear of the property, in relation to No 18 would result in further harm to their living conditions, through overlooking and loss of privacy. I agree with the Council on the basis of the submitted plans. However, were no other matters of concern and planning permission were to be granted, I consider that this concern could be satisfactorily addressed by way of a condition requiring a privacy screen to be approved. However, my finding on this matter does not override the harm I have already concluded to the living conditions of the neighbours at No 18.
14. I therefore conclude that the living conditions of the neighbours at No 18 would be materially harmed as a result of the proposed development, with particular regard to loss of outlook. This would conflict with Policy DM2 of the Development Management Plan 2015, the SPD and paragraph 130 f) of the Framework, all of which amongst other matters, seek a high quality of amenity for existing and future users.

Other Considerations

15. The adjoining neighbours on the northern side at No 14 have also objected on grounds of harm to their living conditions. However, given the secondary nature of the windows in the side elevation and the relationship between the two houses in terms of siting, I do not consider that there would be material harm to the living conditions of the neighbours at No 14, in terms of loss of outlook, light and overlooking and loss of privacy. The Council has also raised no concern in this regard.

Conclusion

16. I have found that there would be no harm to the character and appearance of the existing dwelling and to the local area as a result of the proposed extension. Furthermore, concerns relating to the overlooking and loss of privacy as a result of the raised rear patio could be addressed through a condition requiring a privacy screen. However, these findings do not outweigh the harm I have concluded to the living conditions of the neighbours at No 18 through loss of outlook.
17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR