



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: 22 September 2022

Appeal Ref: APP/K3605/D/22/3301335

19 Ruxley Ridge, Claygate, Surrey KT10 0HZ

- 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 Alex and Laina Horlock against the decision of Elmbridge Borough Council.
 - The application Ref: 2022/0447 dated 11 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed is extensions at ground floor level to existing detached garage and 1st floor extension attached to existing house.
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Decision

1. The appeal is allowed and planning permission is granted for extensions at ground floor level to existing detached garage and 1st floor extension attached to existing house at 19 Ruxley Ridge, Claygate, Surrey KT10 0HZ in accordance with the terms of the application, Ref 2022/0447 dated 11 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101; 102 and 103.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing dwelling.
 - 4) No site works or works on the development hereby permitted shall be commenced before an arboricultural and construction method report has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with BS3998 British Standard for Tree Work and BS5387 Trees in relation to Design, Demolition and Construction (or an equivalent British Standard if replaced) and shall include:
 - i) the position of existing trees including in relation to existing and proposed ground levels,
 - ii) the siting of and details of temporary tree protection fencingThe works shall be undertaken in accordance with the approved details and the fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all

equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing dwelling and local area.

Reasons

3. The appeal property is a substantial detached dwelling on a generous plot on an estate of houses, dating from a similar period. They are all detached with similarities of scale and design on generous plots, and a number have been the subject of subsequent extensions and alterations. The appeal property benefits from permission granted by the Council under its Ref: 2021/0685 for a first floor extension under an extended roof to match the existing ridge height of the main dwelling. At the time of my site visit, this had not been built out, but is shown on the submitted plans with this current proposal. There is a footpath running along the western side of the property and the adjacent property to the west at No 20.
4. There is an existing detached garage to the side which projects forward of the house and the proposal would extend this and link to the main house with a first floor extension over the garage. It would have a hipped roof and would be subordinate in scale to the main dwelling, with a large dormer window to the front.
5. Whilst I agree with the Council that the property is at one of the highest points in the estate, it does not, in my view, have a dominating presence in the street scene, because of the varied layout, curved road pattern, changing levels and verdant surroundings of the estate. As a result, there are not expansive views of the estate, within which the house is widely seen. The extension over the garage would be subordinate in height and scale to the main dwelling and would not, in my view, appear as over prominent in the street scene.
6. I have noted the Council's Design and Character SPD regarding extensions above ground floor maintaining a minimum of 1m to site boundaries to prevent a terracing effect. Although the gap to the site boundary would be less than 1m, this particular part of the guidance does not appear to be directly relevant in the particular circumstances of this case given the layout of the estate, the footpath between the appeal property and the neighbouring property and change in levels. Given the design with its hipped roof, it would also not be visually overbearing for those using the footpath between the appeal property and the neighbouring property at No 20.
7. I am therefore satisfied that the proposed extensions would respect the character and appearance of the existing dwelling, including as permitted to be extended, 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 2015, the Design and Character SPD and the National Planning Policy Framework, and in particular Section 12, all of which amongst other matters, seek a high quality of design which respects the local context.

Conditions and Conclusion

8. In terms of conditions, materials should match those used on the existing property in order to respect the character and appearance of the existing building and of the local area. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning; these also include for the permitted extension already benefitting from planning permission.
9. Although no trees are indicated to be felled, there are mature and protected trees in the vicinity and a condition is required to protect these trees during the construction period of the proposed development. However, I consider that the requirements can be simplified from those recommended by the Council's tree officer, given that no trees require to be felled as part of the development.
10. In order to be effective, it is my view that the condition relating to the tree protection measures requires to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR