



Appeal Decision

Site visit made on 21 September 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/K3605/D/22/3304788

8 Tellisford, Esher KT10 8AE

- 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 P Neal against the decision of Elmbridge Borough Council.
 - The application Ref 2021/4384, dated 21 December 2021, was refused by notice dated 8 July 2022.
 - The development proposed is alterations to the existing side extensions.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the existing site extensions at 8 Tellisford, Esher, KT10 8AE in accordance with the terms of the application, Ref 2021/4384, dated 21 December 2021, 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:
 - 2021-14-LOC – Location Plan
 - 2021-14-01 – As Existing Site Plan
 - 2021-14-02 – As Existing Ground Floor Plan
 - 2021-14-03 – As Existing Roof Plan & Section
 - 2021-14-04 – As Existing Elevations
 - 2021-14-05A – As Proposed Site Plan
 - 2021-14-06A – As Proposed Ground Floor Plan
 - 2021-14-07A – As Proposed Roof Plan & Section
 - 2021-14-08A – As Proposed Elevations
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr and Mrs P Neal against the Elmbridge Borough Council. This is the subject of a separate Decision.

Main Issue

3. The main issue of this appeal is the effect of the proposed development on the living conditions of occupiers of 9 Tellisford (No 9) in respect of outlook and sunlight.

Reasons

4. The proposed rear alteration would increase the footprint of the existing side extension and an overall increase in height with a replacement to the flat roof with a partially pitched roof.
5. Based on my observations during my site visit, the gardens of the appeal property and its immediate neighbours are characterised by the enclosure created by high walls with fencing above and mature hedges. Whilst the existing extension forms the boundary with No 9, the mature hedge in this neighbour's garden area obscures most of the extension when viewed from the garden and ground floor. At the time of my site visit, the hedge was taller than the flat roof. When combined with the thickness of the existing hedge, as the highest point of the proposed roof would be positioned off the boundary, the visibility of the proposed development from the garden of No 9 would be minimal. As such, it would not result in an intrusive feature in the outlook from the neighbour's garden.
6. The area of the garden closest to the boundary at No 9 most likely to be affected by a loss of sunlight currently includes the existing hedge and an area of lawn. Given the modest increase in the height of the roof above the existing hedge and the southeast orientation of the garden area, any additional loss of sunlight would be small. Based on the evidence before me and my observations of the site, the proposed development would not result in an unacceptable loss of sunlight to the garden of No 9.
7. Consequently, I conclude that the proposed development would not cause unacceptable harm to the living conditions of occupiers of No 9, in respect of outlook and sunlight. As such, it would accord with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) which, amongst other things, seeks to protect the amenity of adjoining occupiers by requiring new development to offer an appropriate outlook and provide adequate sunlight.
8. Additionally, I find no conflict with guidance and principles set out in the Design and Character Supplementary Planning Document Companion Guide: Home Extensions (2012) nor Chapter 12 of the National Planning Policy Framework. These, amongst other things, seek to preserve the amenities of neighbours and ensure new development achieves a high standard of amenity for existing users.

Other Matters

9. As part of the appeal sites lies within the Esher Conservation Area (ECA), I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The main significance of the ECA is the historic core and pattern of streets, focused around the church and green. The boundary of the ECA runs along the rear elevation of the appeal property and includes the garden and rear part of the existing side extension within the ECA. Given the modest alterations to the rear of the site extension,

with matching materials and subservient design to the appeal property, the development would preserve the character and appearance of the ECA.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
11. I have also imposed a condition requiring the use of materials to match those used in the existing property, in the interests of maintaining the character and appearance of the area.

Conclusion

12. For the reasons given above, the appeal is allowed.

Juliet Rogers

INSPECTOR