



Appeal Decisions

Site visit made on 18 October 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal A Ref: APP/K3605/W/22/3294308

28 The Island, Thames Ditton KT7 0SH

- 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 Ms Nadia Dimeo against the decision of Elmbridge Borough Council.
 - The application Ref 2021/4021, dated 20 November 2021, was refused by notice dated 2 March 2022.
 - The development proposed is described on the application form as 'replacement dwelling following demolition of the existing'.
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Appeal B Ref: APP/K3605/W/22/3290242

28 The Island, Thames Ditton KT7 0SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Nadia Dimeo against Elmbridge Borough Council.
 - The application Ref 2021/3813, is dated 4 November 2021.
 - The development proposed is described on the application form as 'demolition of existing and redevelopment of a new single detached dwelling'.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed and planning permission is refused.

Procedural Matters

3. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed development. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. Appeal B is against a failure to give notice within the prescribed period of a decision. I have been provided with a copy of the planning officer report which sets out the policy basis and reasoning for the Council recommending the application for refusal. The appellant has had the opportunity to respond on this in their final comments.
5. I have also dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

¹ APP/K3605/W/21/3286321

Main Issue

6. The main issue in both Appeal A and Appeal B is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. The appeal site comprises a parcel of land on the northernmost tip of The Island. It is occupied by a dwelling with associated garden area. A reasonably high number of properties exist within the rest of The Island. These are of a varied scale and design. Despite this variation, the properties within The Island are, in my view, generally of a simple form and roof profile. This minimises their overall bulk.
8. The existing property is reasonably simple in its design and appears to have been altered and extended over time. The position of the first floor accommodation within the dwelling's roofspace is such that its overall bulk and massing is limited. Consequently, the existing property appears modest in its highly prominent setting at the tip of The Island and assimilates with the built form around it.
9. The proposed development, under both appeals, would consist of a two-storey replacement dwelling. In both cases, the proposed development features some design cues from the existing property and the surrounding area, particularly through the use of timber cladding and, in the case of Appeal A, through the incorporation of gable features in each elevation. The footprint of the buildings would be similar to the existing dwelling, and the building lines would respect neighbouring plots. I also note that the site forms one of the largest plots on the island, and the percentage of the site to be occupied by built form is less than many other nearby plots.
10. Nevertheless, the scale of the proposal's features would be out of proportion with the existing property and many of the properties within the immediate area. This would contribute to the overall bulk of the dwellings proposed. Although the maximum height of the dwellings would be no higher than the highest part of adjoining 27 The Island, and has been subject to design changes, the eaves heights would remain high and the overall bulk of the building would appear overly large. In either case, the replacement dwelling would be highly visible from multiple public vantage points. This includes from the River Thames, the riverside footpath and, to a lesser extent, from Hampton Court Bridge. It would also be visible from multiple private vantage points, including from the riverside properties facing The Island. Consequently, the proposed development would form a discordant feature, out of keeping with the character and appearance of the wider area, and appearing top heavy compared with many nearby properties.
11. I accept that the existing property is in a relatively poor state of repair and features various additions and extensions. However, the existing building is modest in its bulk. Moreover, there is no substantive evidence before me to indicate that the improvement of the site would be inherently reliant on the proposed development and that an alternative, less harmful scheme, could not achieve these aims.
12. My attention is drawn to several other developments on The Island, including at Nos 10, 13, 14, and 15. These developments have generally increased the

size of the original buildings in this riverside setting and include contemporary designs. However, the less visually prominent mid-island position of those properties, forming part of a wider row, as opposed to a highly prominent Island tip position, together with their fairly simple overall design, is such that they are not directly comparable with the appeal site.

13. I consider the plans before me to be sufficiently accurate to assess the proposal without being prejudicial to interested parties. Even were the stated dimensions inaccurate, the proposed development has been found to harm the character and appearance of the surrounding area by reason of its visual bulk.
14. I conclude that the dwellings proposed by both Appeal A and Appeal B would unacceptably harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policies CS12 and CS17 of the Elmbridge Core Strategy (2011) and Policies DM2 and DM13 of the Elmbridge Local Plan Development Management Plan (2015). These policies, in summary, seek to achieve high-quality design in development, which is based on an understanding of local character, and which sympathetically reflects the riverside location. This is in a similar vein to the objectives of the Thames Landscape Strategy (2012), the Elmbridge Design and Character Supplementary Planning Document (2012) and the National Planning Policy Framework (2012).

Other Matters

15. Support for the proposed development from a number of neighbours is noted. However, there being third party support for the scheme is not a reason in itself to allow development that is unacceptable. This matter is effectively neutral in my determination of the appeal.
16. I have carefully considered the appellant's comments, including those relating to the application (Appeal A) being determined by committee rather than under delegated powers, and that the committee decision was different to the officer's recommendation. I also sympathise with the appellant in respect of the delays that have been experienced in the determination of the applications. Nevertheless, the determination of a planning application at planning committee is a normal and legitimate procedure and members are not bound to follow the recommendation of their officers. The conduct of the Council, including the handling of applications, are not matters that affect my findings on the main issue. The matters raised and reason for refusal before me boil down to matters of planning judgement. The reasons given are clearly relevant to the application and the Council's planning policies. Consequently, those matters do not lead me to an alternative conclusion on the main issue.
17. The appellant has set out that use of PD rights to extend and alter the existing property is their fallback position. Nevertheless, I have seen no substantive evidence, such as a certificate of lawful development, to convince me that the appellant could reasonably implement a similarly harmful scheme under their PD rights. In my view, the proposals before me would have a greater effect in terms of character and appearance. I therefore afford the fallback position only limited weight in favour of allowing the appeal.
18. I note the building is not listed and the area does not form part of a conservation area. I also note that the Council does not object to the principle of development and that it would meet a number of other planning objectives,

including its impact on the living conditions of neighbouring occupiers. I, too, acknowledge that there are certain constraints that this location dictates. I have no reason to disagree with those matters. Nevertheless, none of these matters, or the lack of harm in respect of flood risk, change my conclusion on the main issue or outweigh the harm identified and the conflict with the development plan.

Conclusion

19. For the reasons set out above, taking into account the development plan as a whole and all other relevant material considerations, I conclude that both appeals should be dismissed, and planning permission refused.

A. Price

INSPECTOR