

Appeal Decision

Site visit made on 2 November 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/K3605/D/22/3306109

1 The Rythe, Copsem Lane, Esher, Surrey KT10 9HL

- 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 Sirushe Hewazy against the decision of Elmbridge Borough Council.
 - The application Ref 2022/1355, dated 29 April 2022, was refused by notice dated 18 July 2022.
 - The development proposed is a part two/part single-storey side/front extension, front porch and raised patio.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note that the Appellant also uses this on the appeal form.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the locality and ii) living conditions for neighbours.

Reasons

Character and appearance

4. The appeal property is a two storey generously proportioned detached property with pleasant elevations set within a large, almost triangular shaped, garden. It is in an area of often secluded homes of generally good quality on spacious well landscaped plots which come together to present an established residential neighbourhood with an interesting nature and pleasing appearance. The proposal is as described above.
 5. The principal extension works would be to the south side of the present dwelling and run broadly parallel, and close to, the shared forward side boundary with No 46 Copsem Lane; this home being set further back than the appeal property. The extension, even with a lower ridge line than the main dwelling, and with a projecting forward single storey element, would be of significant scale. For a dwelling not on a regular building line, unlike those that sit side to side, it would be built uncharacteristically close to the side boundary. Any landscape of scale would be limited to that on the neighbouring property and spaciousness within the appeal plot would be lost on its southern part. The
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bulk, mass, length and forward projection of the development would be ill at ease to its immediate and wider setting and by lying so close to a forward side boundary would erode the openness which is so typical of this area. It would, in relative terms, be unduly cramped.

6. Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (LP) and Policy CS17 of the Elmbridge Core Strategy 2011 are relevant. Taken together and amongst other matters, they seek to ensure that new development embodies high quality design, reflects local character, is of suitable scale and siting, and exemplifies local distinctiveness. For the reasons given above I conclude that there would be conflict with these policies. The policies have objectives that are also reflected in the Council's Companion Guide: Home Extension SPD 2012. In my opinion the scheme would run contrary to its main aesthetic aims albeit this publication cannot be expected to cover every eventuality.

Living conditions

7. In a locality such as this, residents would reasonably expect a sense of spaciousness and open outlook to be maintained. Regrettably because of the unusual relationship of the planned extension which would lie forward and in part in front of the road facing elevation of No 46 there would be marked erosion of this. The scale, siting and proximity of the scheme would make it unduly dominant and imposing upon the frontage of No 46. The fact that there would be first floor rear windows close to and facing towards the primarily presently private front elevation of No 46 would add to the uncomfortable relationship stemming from this unusual juxtaposition. The impact on residential amenity would be a direct result of an over-ambitious extension scheme in the wrong part of the Appellant's garden. Existing vegetation on No 46's side of the boundary may presently offer some partial mitigation but it would be not be reasonable or representative of good design to rely on that as it stands or on future growth.
8. LP Policy DM2 also seeks to ensure that development does not have any undue adverse impact on adjoining properties. I conclude that this scheme would conflict with this and it would also run contrary to the parallel objectives within the SPD.

Other matters

9. The Council's Decision Notice referred to concerns in relation to surrounding trees given the limited arboricultural information submitted at the time. However, in line with the Council's current stance I am satisfied that the additional material lodged with the appeal suitably addresses this matter. The development could take place without undue harm to trees and I need examine this issue no further.
10. I understand that the scheme would bring benefits to the family occupiers and recognise that the Appellant was disappointed in the apparent lack of dialogue during the processing stage of the planning application. I appreciate that no objections were raised by neighbours to the planned development but I do have to consider the protection of amenity for the long term and in the interests of future occupiers. I am aware of redevelopment proposals on the site of 46 Copsem Lane. Were these to be implemented it would reduce the impacts upon that nearest house as a northerly section of it would be reduced

for an accessway. However, I have to assess the amenity situation as things presently stand. I can see that thought has been given to the use of suitable materials and varied generally subservient ridge lines. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.

11. The National Planning Policy Framework has been considered and the development plan policies which I cite mirror relevant objectives within that document. For the environmental and amenity reasons I have highlighted I would not class the scheme as being representative of sustainable development.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality as well as on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR