The Planning Inspectorate

Appeal Decision

Site visit made on 16 December 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/K3605/D/22/3296847
79 Crutchfield Lane, Walton-on-Thames KT12 2QY

- 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 Philip Hyams against the decision of Elmbridge Borough Council.
- The application, Ref. 2021/3905, dated 11 November 2021 was refused by notice dated 25 February 2022.
- The development proposed is a roof extension incorporating a side dormer window and side roof lights, a single storey rear extension and alterations to the finish.

Decision

1. The appeal is allowed and planning permission is granted for a roof extension incorporating a side dormer window and side roof lights, a single storey rear extension and alterations to the finish at 79 Crutchfield Lane, Walton-on-Thames in accordance with the terms of the application, Ref. 2021/3905, dated 11 November 2021 and subject to the following conditions:

    1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. Series 5718: Plan Nos. 1040; 2050; 2100; 1000; 1010; 1020; 1030; 2005; 2012; 2022; 2032;

    3) The development shall be carried out using external materials with their details (including samples as required) having first been submitted to and approved in writing by the Local Planning Authority. These details shall require the part of any rooflight that is less than 1.7m above the finished floor level of the room in which it is positioned to be either obscure glazed or of restricted opening, or both.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the host dwelling and the Crutchfield Lane street scene, and (ii) the effect on the living conditions for the occupiers of No. 81 Crutchfield Lane as regards outlook and light, including sunlight.

Reasons

3. On the first issue, I saw on my visit that the appeal dwelling is one of pair of handed chalet bungalows of the same original design and external materials at the head of a cul-de-sac. A third dwelling of this design at No. 83 was part of the permission granted in 1962, but it is Nos. 79 & 81 in particular that read together in the street scene.

4. The appeal scheme includes raising the eaves of the dwelling by 1.2m and the construction of a crown roof to accommodate an additional floor of accommodation. The Council's view is that this would be a change in the dwelling's size and appearance that fails to respond sympathetically to the constraints of both its original design and its setting, the latter effect being the loss of symmetry with No. 81. I recognise the merits of this assessment.

5. However, for the appellant it is argued that there are a number of other extensions / redevelopments of dwellings in the immediate area that have had an equivalent or greater visual impact than would the appeal scheme. I was able to see that these include Nos. 77, 85 & 87 and I acknowledge that these significant changes have indeed affected the character and appearance of the area to a noticeable degree.

6. No. 77 in particular is relevant because it is next door to the left of the appeal dwelling and has a wide footprint horizontal to the road frontage, as opposed to the perpendicular layout of No. 79. I understand that the redevelopment was constructed pursuant to a 2019 permission and it is clear that, compared with the pre-development 2018 Google Earth street image, No. 77 now has a more extensive and higher roof with additional living space.

7. Together with rendering and different fenestration this dwelling has a contemporary appearance and a marked increase prominence, which along with Nos. 85 & 87 suggests that notwithstanding the pleasing symmetry and restrained scale of Nos. 79 & 81, the proposed alterations, additions and new external materials in this appeal would not appear out of keeping with these buildings and indeed others slightly further afield.

8. Accordingly, on the first issue I find that notwithstanding my initial reservations along the lines of the Council's reason for refusal, the changes in character and appearance that have taken place in the immediate vicinity of No. 79 (and since the 2017 refusal of a very similar proposal at the dwelling) are a material consideration that outweigh the objection to the appeal application. A further factor is a fallback situation under which it appears probable that in the event of the appeal being dismissed, a large dormer window could be erected facing No. 81. In aesthetic terms this would be a negative change as regards the existing building's appearance.

9. Turning to issue (ii), the Council considers that the raising of the eaves height as part of the development would, under the Council's published design guidance, infringe the vertical 25 degree line as taken from the half glazed door and the window of the kitchen of No. 81. I agree that this 1.2m increase in height could to some extent reduce daylight and sunlight to a room already affected by the proximity of No. 79 and the outlook from it. In the absence of a technical study under Building Research Establishment Guidelines it is impossible to say exactly by how much.

10. However, the appellant has pointed out that the floorspace of this room is in any event less than the minimum area that defines a habitable room under paragraph 4.43 and Footnote 40 of the Council's Development Contributions SPD 2021. As a non-habitable room I consider that any effect warrants less weight. Moreover, given that the gradient of the roof slope and its overall height would remain the same, the effect of the modest amount of additional built form on light, sunlight and outlook is unlikely to be significant. Furthermore, the fallback position I refer to in paragraph 8 above would, if exercised, also be likely to have an adverse effect on these amenities if the building is retained in its present form.

Other Matter

11. Consultees on the application have in their replies referred to a loss of privacy from the proposed rooflights. As a general rule the angle and position of rooflights combine to restrict any outward view other than of the sky above. However, I have insufficient information in this appeal to be sure that none of the proposed rooflights would result in a loss of privacy as a result of overlooking. That said there is a remedy to avoid this potential problem and I refer to this in paragraph 13 below.

Conclusion

12. On balance, I conclude that the proposed development would not have an adverse effect on either the character and appearance of the host dwelling; the Crutchfield Lane street scene, or on the living conditions for the occupiers of No. 81 Crutchfield Lane. Accordingly there would be no harmful conflict with Policies CS3 & CS17 of the Elmbridge Core Strategy 2011; Policy DM2 of the Elmbridge Development Management Plan 2015 or with Government policy in Section 12: 'Achieving Well-Designed Places' and paragraph 130f) of the National Planning Policy Framework 2021.

13. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring the Council's prior approval of the external materials will ensure that the appearance of the building is of a high standard to preserve visual amenity. I have also stipulated in this condition that the proposed rooflights shall be constructed in a form that would not result in the overlooking of neighbours and therefore a loss of their privacy.

Martin Andrews

INSPECTOR