

Appeal Decision

Site visit made on 15 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/K3605/D/22/3309241

16 Cumberland Drive, Esher, Surrey KT10 0BB

- 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 Amanda Williams against the decision of Elmbridge Borough Council.
 - The application, Ref. 2022/1760, dated 6 June 2022 was refused by notice dated 27 July 2022.
 - The development proposed is a hip to gable roof extension incorporating a rear dormer window and front rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the host dwelling and the street scene of Cumberland Drive, and (ii) the effect on the living conditions for the occupiers of No. 14 Cumberland Drive in terms of outlook.

Reasons

3. On the first issue, the Council's concern is that the proposed extension to the existing hipped roof resulting in a gable to the side elevation facing No. 14 and including a rear dormer would be inappropriately large. Rather than being confined within a particular area of the roof, the extension would cut across the apex of the building to create an additional floor level and significantly change the appearance of the dwelling as seen from all four sides of the plot.
 4. In respect of the two principal elevations, at the frontage to the public domain in Cumberland Drive, the extension with its significant width of 7m would result in a far bulkier roof that would not read comfortably with the dwelling's attractive traditional design. The appearance of the dwelling would be harmfully compromised not only by the hip to gable extension but also by affecting the context of built form within which the catslide roof is perceived as an existing attractive feature on the front elevation.
 5. At the rear, the combination of the extended roof's gable end and the dormer's height, effectively to the existing ridge level, would dominate this elevation and give the dwelling a top-heavy appearance. I also agree with the Council's criticism of the large window which would be both out of scale and at odds with
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the pattern of the existing first floor fenestration. An additional disadvantage of the appeal scheme would be the loss of two chimneys and the partial concealment of the third.

6. For the appellant it is argued that the development comprises sympathetic alterations and additions that can be reasonably accommodated by the host dwelling and would not look out of place in the varied street scene of Cumberland Drive. In this regard my attention has been drawn to other developments in the locality, including permitted development.
7. I acknowledge these points, but in my view they do not bear on the fundamental issue that it is the effect on this particular property that is before me in the appeal that is at issue. And in large measure the extensions would not accord with neither the principle nor the letter of the Council's Home Extensions Companion Guide SPD 2012. Nor do I consider that similar developments have changed the character and appearance of the locality to the extent that would permit a further breach of the guidance in this case.
8. Turning briefly to the second issue, the Council says the proposal would infringe the '45-degree rule' to a first floor window at No. 14 just 0.4m from the boundary. This rule is in place to prevent extensions resulting in an unacceptable loss of outlook or light to a neighbouring dwelling.
9. However, it does appear likely that the window referred to is for a bathroom rather than a habitable room and in the absence of any evidence to the contrary I conclude that this issue does not weigh against an approval of the proposed development.
10. However, this does not alter my finding on the first issue that the appeal proposal would have an unacceptable impact on the character and appearance of the host dwelling and the street scene of Cumberland Drive. This would conflict with Policy CS17 of the Elmbridge Core Strategy 2011; Policy DM2 of the Elmbridge Development Management Plan 2015 and Section 12: 'Achieving Well-Designed Places' of Government policy in the National Planning Policy Framework 2021.
11. For the above reasons and having had regard to all other matters raised, the appeal fails.

Martin Andrews

INSPECTOR