



Appeal Decision

Site visit made on 5 January 2023

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 1st February 2023

Appeal Ref: APP/K3605/D/22/3309653

9 Ember Farm Way, East Molesey, KT8 0BH

- 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 and Mrs Ragdale against the decision of Elmbridge Borough Council.
 - The application Ref 2022/1740, dated 1 June 2022, was refused by notice dated 15 August 2022.
 - The development proposed is single-storey rear extension, single-storey side extension, first floor side extension and roof extension incorporating rear dormer window and side dormer window and alterations to fenestration.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application the description of development was amended by the council in order to incorporate all aspects requiring planning permission. The appellants used the revised description on the submitted appeal form. I have therefore taken the description of development from the decision notice.
3. One of the refusal reasons (2) was due to a lack of tree survey. Whilst (according to the council's submitted questionnaire) the tree in question (a Common Lime) is not subject to a Tree Preservation Order it appears the council required this information in order to determine the application. The appellants have provided an arboricultural report as part of this appeal. I have proceeded to determine the appeal on the basis of this evidence.

Main Issues

4. The main issues are:
 - The effect of the proposals on the character and appearance of the area, and
 - The effect of the proposals on the adjacent tree.

Reasons

Character and Appearance

5. Ember Farm Way is a leafy suburban street characterised by traditional detached two storey dwellings on good sized plots. Whilst there is variety in

the designs of the principal elevations of the dwellings, most have similar, shallow hipped and pitched roof designs.

6. No9 Ember Farm Way is situated in a prominent position on the corner of Ember Farm Way and Ember Farm Avenue and set back behind a garden wall and front, side and rear gardens. It is a detached, two storey, 3 bedroom house.
7. Policy CS7 (East and West Moseley) of the Elmbridge Core Strategy (2011) (CS) sets out that all new development will be expected to enhance the local character of the area.
8. Policy CS17 (Local Character, Density and Design) of the CS requires development proposals to take account of established character, density and design within an area.
9. Policy DM2 (Design and Amenity) of the Elmbridge Local Plan Development Management Plan (2015) (DMP) seeks development that preserves or enhances the character of the Do local area.
10. The Design and Character Supplementary Planning Document Companion Guide: Home Extensions (2012) (SPD) provides advice and general guidance on the design principles for residential extensions. It seeks to avoid unsightly extensions which ignore the style and character of the original house, where it would adversely affect the appearance of the street scene.
11. At ground floor level, with the majority of new built volume would be added within a side extension to create a garden room, utility and plant room. The first floor would result in the addition of one bedroom and an ensuite, allowing the enlargement of the existing bedrooms. At the second floor within the enlarged loft would be a fifth bedroom and ensuite together with storage.
12. The second floor would including a new side dormer (to facilitate the second floor staircase) and large rear dormer with Juliet balcony serving the fifth bedroom.
13. I note the appellant's comments about a similar rear dormer at 36 Ember Farm Way. However, I share the council's view that as this would be far less visible and that it would have a reduced impact on streetscene. In any case, I have determined this appeal on its own merits.
14. The proposed enlargement of the dwelling would be significant, particularly when viewed at the rear and side. However, there would also be noticeable bulk and volume added to the dwelling when viewing the principal elevation from the street, largely as a result of the additions to the roof. In my view, the proposed side and rear dormers would result in an imbalance in the appearance of the host dwelling, compounding the impact of the additions to the roof.
15. I therefore find there to be harm to the character and appearance of the host dwelling and wider area due to its incongruous size and bulky features, contrary to policies CS7 and CS17 of the CS; DM2 of the DMP, and the relevant parts of the SPD and NPPF.

Impact on Tree

16. The appeal property is bounded by street trees, which appear to sit within the public highway verge. One tree in particular (identified as T2 in the submitted

tree report) is classed as being a mature Common Lime of moderate quality with landscape value.

17. Amongst other things, Policy DM6 of the DMP seeks to ensure that proposed development adequately protects existing trees including their root systems prior to, during and after the construction process.
18. I note that the proposed side extension would encroach into the Root Protection Area of the T2 tree by approximately 17%, which has the potential to result in permanent damage to the tree roots, leading to the loss of the tree. The tree report therefore makes a series of recommendations in order to protect the tree from damage during and following construction.
19. Although the proposals would result in the extension being sited partially within the RPAs of the T2 tree, I have no compelling evidence before me that the proposed foundation design would result in specific harm. Moreover, if I were minded to allow the appeal, the matter could be adequately controlled through a suitably worded planning condition.
20. I therefore do not consider that (subject to an appropriately worded planning condition) the appeal proposals would result in harm to the T2 tree and would not therefore result in offence to the relevant parts of policy DM6 of the DMP.

Conclusions

21. For the reasons given and having regard to all other matters raised, I conclude the appeal is dismissed.

Sian Griffiths

INSPECTOR