



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: 02 February 2023

Appeal Ref: APP/K3605/D/22/3311040

Valamo, Greenways, Esher, Surrey KT10 0QH

- 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 Andrew Meatyard against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2805, dated 10 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is front/side dormer windows with rooms in the roof space.
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Decision

1. The appeal is allowed and planning permission is granted for front/side dormer windows with rooms in the roof space at Valamo, Greenways, Esher, Surrey KT10 0QH in accordance with the terms of the application, Ref 2022/2805, dated 10 September 2022 and the plans submitted with it, subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4181872 – Valamo Block Plan Sept 2020; 4181873 – Valamo Existing Elevations; 4181874 – Valamo existing ground floor plan March 2022; 4181875 – Valamo First Floor Plan March 2022; 4181877 – Valamo Property distance plan September 2022; 4181878 – Valamo Proposed Elevations Sept 2022; 4181879 – Valamo proposed first floor plan Sept 2022; 4181719 – Valamo Location and Block Plan; 4181720 – Valamo Proposed Site Plan 15th Sept 2022.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the first occupation of the development hereby permitted the proposed dormer windows on the north west elevation of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.

Preliminary Matters

2. The appeal form includes an incorrect address for the appeal site (32 Angel Road, Thames Ditton, Surrey KT7 0AU). I have therefore taken the appeal address from the application form and decision notice.
3. During the determination of the application, the description of development was changed slightly. For clarity, I have used the description on the decision notice.
4. The council and the appellant have in their submissions drawn my attention to a recently dismissed appeal at the property for the erection of front, side and rear dormer windows (APP/K3605/D/22/3301486). The appeal decision was not supplied (although extracts have been included) and I have determined this appeal on its own merits.

Main Issues

5. The main issues are as follows:
 - The effect of the proposals on the character and appearance of the dwelling and the wider area, and
 - The effect of the proposals on the living conditions of future occupiers.

Reasons

Character and Appearance

6. Greenways is a suburban crescent characterised by detached dwellings of a traditional design which are generally two storey, some of which have had loft conversions.
7. The appeal property, 'Valamo' is an L shaped bungalow with a substantial roof which has been developed on what appears to have been rear garden land formerly associated with No 8 Manor Road South. The property has 4 ensuite bedrooms together with a lounge/diner/kitchen, utility room and family bathroom. The loft space has two loft rooms where there is one rooflight on the principal elevation and further rooflights to the rear.
8. The appellant has sought to address concerns associated with a previous application (and subsequent appeal) which had included rear flat roofed dormer windows. The revised scheme includes 3 pitched roof dormers to the front (north) elevation, a further 3 pitched roof dormers to the west elevation (where there are 3 rooflights) and a single pitched roof dormer to the eastern elevation. These would then facilitate a bedroom, bathroom and cinema room within the loft space. The windows to the western elevation are proposed to be obscure glazed in order to address concerns over the living conditions of neighbouring occupiers at No 1 Greenways.
9. Policy CS17 (Local Character, Density and Design) of the Elmbridge Core Strategy (2011) (CS) requires development proposals to take account of established character, density and design within an area.
10. 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 local area, as well as protecting the amenity of adjoining and potential occupiers, offering an appropriate outlook and providing adequate daylight, sunlight and privacy.

11. 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.
12. The proposed pitched roof dormers to the principal elevation would not, in my view result in a harmful impact on the character of the street. The dormers would be set within what is already a substantial roof, acting to create more visual interest and 'break up' its mass. Indeed, I consider the principal elevation would be enhanced by the presence of the dormer windows.
13. To that end, I do not find the proposals would result in harm to the prevailing character and appearance of the area, or the host dwelling and that there would be no offence to policies CS17 and DM2 nor the relevant parts of the SPD.

Living Conditions

14. From the extracts of the previous appeal decision supplied by the appellant, I can see there were some concerns over the proposed obscure glazing of the dormers proposed for the western elevation (overlooking the rear garden of No 1 Greenways). The concerns were that the room would have a poor outlook for occupiers.
15. The dormer proposed for the eastern elevation is smaller than the other windows, but it would not be obscure glazed. I agree with the appellant that this would provide an adequate outlook from the room over the rear garden.
16. I note the room is labelled on the proposed first floor plan as 'cinema room' I consider it would be very difficult to control the use of this room for current or future occupiers via a planning condition. However, in my view a planning condition restricting its use to a non-habitable room would not pass all of the tests set out in Paragraph 56 of the NPPF.
17. Because of this, in the event that the 'cinema room' were to be used as a habitable room in the future, I consider the outlook would be reasonable, albeit out of a single window and the obscure glazed windows would allow some light to filter into the room.
18. In light of concerns over the privacy of the occupiers at 1 Greenway, I consider it would be appropriate to impose a condition to ensure the windows on the northwestern elevation would be obscure glazed and non-openable below 1.7m above the internal floor level of the room.
19. In respect of living conditions, I therefore find the proposals would be aligned to policies CS17 of the CS, DM2 of the DMP and the relevant parts of the SPD and NPPF.

Conditions

20. In addition to the standard commencement condition (1), a condition is necessary requiring that the development is carried out in accordance with the approved plans (2) in order to provide certainty.
21. A condition relating to materials (3) is also necessary in the interests of the character and appearance of the surrounding area.

22. As described above, I have imposed a condition (4) requiring that the proposed dormer windows on the northwestern elevation of the dwelling are obscure glazed and non-openable below 1.7m above the internal floor level in order to protect the privacy of occupiers at No 1 Greenways.

Conclusions

23. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to the conditions listed.

Sian Griffiths

INSPECTOR