



Appeal Decision

Site visit made on 19 April 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2023

Appeal Ref: APP/K3605/D/22/3313827

145 Beauchamp Road, West Molesey, Surrey, KT8 2PJ

- 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 Kamil Dolebski against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2614, dated 21 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed was described as *'side extension to existing ground floor, new first floor in place of existing loft, new rooms in roof'*.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey side extension, first-floor extension and roof extension incorporating side dormer windows and alterations to fenestration at 145 Beauchamp Road, West Molesey, Surrey, KT8 2PJ in accordance with the terms of the application, Ref 2022/2614, dated 21 August 2022, subject to the following conditions:
 - 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: Drg Nos 145BR/KD/PLN-04C/011, 145BR/KD/PLN-04C/02.01, 145BR/KD/PLN-04C/02.02.1, 145BR/KD/PLN-04C/02.02.2, 145BR/KD/PLN-04C/03.1, 145BR/KD/PLN-04C/03.2 and 145BR/KD/PLN-04C/03.3.
 - 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 dormer window on the 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 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.

Application for Costs

2. An application for costs was made by Mr Kamil Dolebski against Elmbridge Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. I have used the description in my formal decision that was given by the Council on their decision notice and which was repeated by the appellant on the appeal form. This better reflects the whole scope of the proposed development compared with that which was given on the application form and which I have repeated in the banner heading above.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of the neighbouring occupiers at 147 Beauchamp Road, with particular regard to visual impact.

Reasons

5. The appeal property is a detached, single-storey, gable fronted dwelling. It adjoins 147 Beauchamp Road to the west and a public footpath and large expanse of public open space to the east. As a former shop premises, No 145 is uncharacteristic of the more uniform, two-storey semi-detached dwellings of the wider area. This would remain to be the case, with the proposed extension upwards to create new living space at first-floor level and with further accommodation within the roof void served by dormer windows to both sides. Given the already unique form and appearance of the existing building, I share the Council's view that the proposal would satisfy Policy DM2 of the Elmbridge Development Management Plan 2015 (DMP) by displaying sufficient design quality to preserve the character of the area.
6. The pitched roof over the existing dwelling extends over 3m beyond the rear wall of No 147, with a further, single-storey flat roof extension beyond. The proposed new first-floor would be set back from the existing rear facing gable and would project beyond the rear wall of No 147 by 2.7m. Beyond this the existing pitched roof would be removed and the building remodelled at this point with a flat roof to tie in with the existing single-storey addition, which would remain.
7. The Council's *Design and Character Supplementary Planning Document Companion Guide: Home Extensions April 2012* (SPD) gives guidelines for house extensions to safeguard levels of daylight and sunlight to neighbouring properties. The Council has confirmed that the existing single-storey part of the appeal property already breaches the SPD's 45-degree angle test when applied to the nearest ground (kitchen) and first-floor (bathroom) windows of No 147 but that the new two-storey part of the proposal would comply. On this basis they conclude that the proposal would not result in any unacceptable loss of light or degree of overshadowing beyond the existing situation. I have no reason to disagree. Nevertheless, the Council considers that the new two-storey scale of the building, due to its depth and proximity to the boundary with No 147, would appear overbearing when viewed from the neighbouring property.

8. The flank wall of No 145 is approximately just over 0.6m from the side common boundary with No 147. Both dwellings are separated by a gap of just over 2m. There is an existing approximate 1.8m high timber fence along the boundary. The rear garden to No 147 is fairly long, with a patio immediately adjacent to the building's rear elevation and lawn beyond. There is no doubt that the additional scale and bulk proposed at first-floor level and above would be clearly seen and perceived when viewed from the rear of No 147. However, due to the angles of view, and also considering the nature of the nearest ground and first-floor windows, the outlook from the adjoining principal living spaces would not be impacted to any meaningful degree.
9. From the rear adjoining amenity space, the remodelling of No 145 would be clearly seen, but in my assessment it would appear merely as a neighbouring dwelling of conventional two-storey height with a single-storey extension beyond; residential in both scale and form. I have not been directed to anything within the SPD to suggest that the degree of projection beyond No 147 at two-storey would breach any adopted guidelines. Whilst there would be an undeniable increased degree of enclosure to part of the rear garden to No 147 due to the height and proximity of the first-floor extension, the garden as a whole would remain open and expansive. I am not persuaded that the proposed works to No 145 would be overbearing in the sense of being visually intrusive or overly dominant, or that any impact upon the neighbour's living conditions would be significant. Although not determinative in my considerations, I note that the owners of No 147 wrote in full support of the proposal, expressly commenting that in their view the proposal would not have an overbearing effect upon their property.
10. Overall, I am satisfied that the proposal would not overly dominate nor unacceptably overwhelm the neighbouring property, avoiding conflict with the aims and objectives of the SPD, and by so doing, it would appropriately protect the amenity of the adjoining and potential occupiers of No 147, in further accord with DMP Policy DM2.

Conditions

11. A condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposed extensions and alterations are finished with materials to match the existing building. I note that the Council has suggested that such a condition should include a requirement for the side walls of the proposed dormer windows to be finished with tile-hanging rather than the render specified as part of the application. However, given the unique nature of No 145, I do not consider this specific requirement to be necessary.
12. I agree with the Council that, in order to avoid any harm to the living conditions of neighbouring occupiers through overlooking, a condition is necessary to ensure the proposed west side dormer window is fixed shut and obscurely glazed up to an appropriate height above finished floor level.

Conclusion

13. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR