



Appeal Decision

Site visit made on 4 May 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/K3605/D/22/3307581

49 Monks Avenue, West Molesey, Surrey KT8 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
 - The appeal is made by S Cadman against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2284, dated 20 July 2022, was refused by notice dated 12 September 2022.
 - The development proposed is described as a 1st floor extension above original building line including installation of front and rear windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of the enlargement of a dwellinghouse by construction of one additional storey, where the existing dwellinghouse consists of one storey, together with any reasonably necessary engineering operations.
3. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the Local Planning Authority.
4. The National Planning Policy Framework (the Framework) and development plan policies, including supplementary guidance, can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Background and Main Issues

5. The Council has set out two reasons for refusal under Class AA. The Council argues that the proposed development would not comply with the conditions set out at paragraph AA.2, sub paragraph (3)(a)(i) and (3)(a)(ii).
6. Regarding sub paragraph (3)(a)(i), the Councils reason for refusal is in respect to the impact on 51 Monks Avenue with particular reference to light. With sub paragraph (3)(a)(ii), the Councils reason for refusal in this regard concerns the external appearance of the appeal property.
7. The main issues are therefore whether prior approval should be given, having regard to the living conditions of the occupiers of 51 Monks Avenue with

particular reference to light and the resulting external appearance of 49 Monks Avenue.

Reasons

Light

8. The proposed development would considerably increase the eaves and ridge height of No 49. I also acknowledge that the front elevation would be stepped, materials would match and the closest elements adjacent to No 51 would also be single storey.
9. However, No 51 is partly set behind No 49 and this built relationship would increase the proposed development's impact upon No 51. During my site visit I noted a ground floor bedroom window at No 51, this would be No 51's closest primary window to the proposed development and it is the only source of light to this bedroom.
10. I accept that any shadow cast would move during the day. Nonetheless, having regard to the proximity of the proposed development, its forward siting and its uplift in bulk, scale and mass, the proposed development would unacceptably reduce the amount of light entering this bedroom at No 51.
11. I appreciate the occupiers at No 51 did not object to the development, however, I must determine this case on its own merits, and this therefore does not change my findings. Consequently, I find that the impact on the living conditions of No 51 would be unacceptably harmful, and the proposal would not accord with the requirements of paragraph AA.2 (3)(a)(i) of Class AA.

External Appearance

12. Monks Avenue is defined by a mix of two storey and single storey dwellings. However, as one travels to the end of this cul-de-sac, the dwellings are experienced as lower scaled single storey dwellings.
13. The nearest fully expressed two storey dwelling is a significant distance from the appeal site and while some dwellings may have additional stories in the roof space, these dwellings still have lower eaves and ridge heights. This overall character contributes toward a broadly consistent roofscape of lower scaled properties at this end of Monks Avenue.
14. The proposed materials would match that of the existing property. However, the additional storey would substantially increase its eaves and ridge height and therefore the bulk and mass of the appeal building.
15. This would cause the proposed development to unbalance the coherent, single storey composition of this part of the street. As a result, No 49 would be prominently and incongruously taller than the dwellings within its immediate setting.
16. My attention is drawn to other planning consents and buildings elsewhere in different streets. However, it has not been robustly shown that these examples or their local context are directly comparable to the appeal before me.
17. Reference is also made to other planning consents in Monks Avenue, however, I do not have the full details and background to these cases. I am unable,

therefore, to make comparisons or understand the Council's reasoning in these cases. This, therefore, does not alter my findings on this main issue.

18. Consequently, I find that the external appearance of the dwellinghouse would be unacceptably harmful, and the proposal would not accord with the requirements of paragraph AA.2 (3)(a)(ii) of Class AA.

Other Matters

19. I appreciate the appellant's wish to modernise and extend their home to better accommodate their family. I also note their wishes to maintain solar panels and an electric charging point. This is fully understood, however, it does not alter the requirements of the legislation on which I must base my decision.

Conclusion

20. Given my findings above, the proposal would not constitute permitted development under the terms of Schedule 2, Part 1, Class AA of the GPDO. Consequently, and having had regard to all matters raised, the appeal should be dismissed.

N Praine

INSPECTOR