
Appeal Decision

Site visit made on 22 May 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/K3605/D/22/3313763

Marchwood, Leatherhead Road, Oxshott, Leatherhead, Surrey KT22 0ET

- 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 Aderonke Nwadike against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2323, dated 25 July 2022, was refused by notice dated 4 October 2022.
 - The development proposed is for a double storey rear extension, conversion of a garage into a habitable space, creation of a side infill extension on the converted garage, loft conversion with a dormer to the rear of the property, installation of x 3 Velux rooflights to the front, changes to the fenestration, installation of a portico and x 4 columns to support it and render to the entire property.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey rear extension, conversion of a garage into a habitable space, creation of a side infill extension on the converted garage, loft conversion with a dormer to the rear of the property, installation of x 3 Velux rooflights to the front, changes to the fenestration, installation of a portico and x 4 columns to support it and render to the entire property at Marchwood, Leatherhead Road, Oxshott, Leatherhead, Surrey KT22 0ET in accordance with the terms of the application Ref 2022/2323, dated 25 July 2022 subject to the conditions set out below:
 1. The development hereby permitted shall be carried out in complete accordance with the following approved plans: LR-R00-PREX-101, LR-R00-EX-101, LR-R01-EX-102, LR-R01-EX-103 and LR-R01-EX-104.
 2. The hanging roof tiles to the dormer window shall match the tiles on the existing roof of the dwelling in accordance with drawing no LR-R01-EX-104.

Preliminary Matter

2. The appeal proposal was substantially complete at the time of my site visit and appeared to have been constructed generally in accordance with the submitted plans. I also note from the planning history that a Certificate of Lawfulness pursuant to Ref. 2021/0077 for a rear box roof dormer of similar proportions to that proposed was granted in 2021; as well as a part two/part single storey rear extension and single storey front extension (Ref. 2021/0076), of a similar depth and width to that proposed, albeit with a double pile roof to the rear as opposed

to a flat roof as currently proposed. These planning decisions are material to the case in hand and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

4. The appeal site is located within a row of detached houses comprising a wide variety of designs and scales but all generally set within large plots.
5. The appeal proposal comprises quite significant rear extensions with flat roofs constructed at both first floor and second floor (roof) level which when viewed from the private amenity space dominates the rear elevation of the host dwelling. These elements are visible from the back gardens of neighbouring properties, in particular Merrydown and Longwood Lodge, although beyond and to the south is a woodland area rendering public views of the appeal scheme as limited.
6. The flank elevations of the first floor element of the proposal, along with the dormer roof extension are visible from Leatherhead Road, although views of these are more oblique and generally comprise more casual glimpses on passing by. I note that the existing render on the two storey element is quite stark, although this will weather over time.
7. I accept that the existing dwelling has a pitched roof with gable ends which approved application 2021/0076 sought to mimic, and that the flat roof design in lieu of this, in order to facilitate the construction of the rear dormer appears slightly truncated. Whilst the design of the proposal would be at odds with that of the original dwelling, for the reasons I have given above, the impacts upon the character and appearance of the surrounding area, in particular from the public realm, would be limited. In coming to this conclusion I have had regard to the Council's Design and Character SPD, but bearing in mind the high degree of variation of architecture within the locality, and the oblique views of the scheme from Leatherhead Road, on balance, I consider that the proposal does not give rise to demonstrable harm to the character and appearance of the area.
8. I note the Council's concerns about the proposal not appearing subordinate or subservient to the original dwelling, however taking into account the previous decisions issued in 2021 I give this limited weight in the overall planning balance. I note that the tiles on the second storey extension do not match the original roof tiles of the dwelling, and this is contrary to the plans before me, however this can be rectified through the imposition of condition no2. Further, whilst I note that the windows on its rear elevation do not align with those on the first floor below, nonetheless the Council highlight that as the proposed dormer window could have been constructed under Permitted Development rights they would have had no control over the design of the fenestration; and I have been given no substantive reason to come to a different conclusion on this.

9. In addition, with regard to the impact upon the living conditions of the occupants of neighbouring properties, I note that the use of coloured render was considered acceptable under the previously approved scheme and therefore the Council considered that the proposed materials would be acceptable, I consider is not a determining factor in this appeal.
10. Therefore, on balance, I consider that the proposed development by virtue of its design, scale and bulk would not result in an unduly dominant or incongruous form of development and consequently the character and appearance of the area would be conserved. This is in accordance with Policy CS17 of the Elmbridge Core Strategy 2011 and Policy DM2 of the Elmbridge Development Management Plan 2015 which together require proposals to deliver high quality and inclusive sustainable design which maximises the efficient use of urban land whilst preserving or enhancing the character of the area with particular regard to, amongst other things, appearance, scale, mass, height, prevailing pattern of built development and in the case of extensions, character of the host building.

Conclusion and Conditions

11. For reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. As the development has commenced and is substantially complete it is not necessary to impose a standard time limit condition, although in the interests of the character and appearance of the area I consider it is necessary to impose a condition that requires that the development is carried out and retained in accordance with the approved plans.
13. With regard to finishing materials and the Council's suggested second condition, the walls are clearly already rendered although the hanging roof tiles to the dormer extension do not match those of the main roof of the dwelling, notwithstanding that the submitted plans state that they should. In order to harmonise as much as possible this aspect of the proposal with the host dwelling, I consider that such a condition is necessary, also in the interests of the character and appearance of the area.

C J Tivey

INSPECTOR