



Appeal Decision

Site visit made on 3 July 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/K3605/W/23/3314198

Flat 1, 14 Church Street, Esher, Surrey KT10 8QS

- 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 Christos Papadopoulos against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2233, dated 18 July 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as the 'installation of glass balustrade to create a first-floor rear balcony terrace over existing flat roof and alterations to fenestration'.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of glass balustrade to create a first-floor rear balcony terrace over existing flat roof and alterations to fenestration at Flat 1, 14 Church Street, Esher, Surrey KT10 8QS in accordance with the terms of the application, Ref 2022/2233, dated 18 July 2022, and the plans submitted with it, 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: 0182.CPA.012, 0182.CPA.001 Rev A, 0182.CPA.011 Rev A.
 3. Prior to first use of the roof terrace, the approved 1.7m balustrade shall be erected and installed with obscure glass and shall be retained thereafter.
 4. Prior to the completion of development, details of the design of the new doorway providing access to the balcony terrace area at scale 1:50 shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The description of development is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area and the Esher Conservation Area (CA).

Reasons

4. The appeal site is located within the Esher CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Esher Conservation Area covers the western part of the town centre, centred around Christ Church and green. No details are provided with regards to its designation; however, it is evident that lies with its special architectural and historic interest.
5. The appeal property consists of a semi-detached unit consisting of 4 flats. The proposed balustrade would be sited at the rear, enclosing the flat roof of the existing single storey rear projection. As such, it would not be visible from the Church Street. However, glimpses of the top of the balustrade may be possible from the car park at the rear, and it would be visible from the upper floors of the neighbouring and surrounding buildings at the rear.
6. I note that the Esher Companion Guide to the Supplementary Planning Document Design and Character (2012) (SPD) sets out that the quality of the materials being used in new development in highly sensitive areas could be improved. Whilst from the rear of the site, the spire of the church is visible, as acknowledged in the Officer Report, the rear of Church Street and the neighbouring car park and surrounding development, adds little to the setting of the CA. This is due to the visible mix of modern architecture, outbuildings, bin storage, car parking, air con units, timber fences, walls and security railings.
7. In addition, similar glazed balustrades are visible on a nearby office building and immediately adjacent to the appeal property at No 18. Whilst the Council set out that this balustrade next door does not benefit from planning permission, it is acknowledged that given the time elapsed since its installation, no action will be taken. As such, both form part of the established visual setting.
8. Whilst taller in scale than the balustrade at No 18, given the higher level of the ground floor projection of No 18, they would both sit at similar heights. As such, in the context of the surrounding built form, the proposed balustrade and the materials proposed, would not incongruous.
9. I conclude therefore that the proposal would not detract from the surrounding area and that the character and appearance of the CA would be preserved. This would satisfy the requirements of the Act, and of the National Planning Policy Framework and would not conflict with Policy CS17 of the Elmbridge Core Strategy (2011) and Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) which collectively seek to ensure that development integrates sensitively with the locally distinctive townscape and take account of the historic environment. There is also no conflict with the advice set out in the SPD.

Conditions

10. A list of suggested conditions has been provided that the Council consider to be appropriate. I have considered these in light of the Planning Practice Guidance and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.

11. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. A condition to secure the erection of the balustrade and obscure glazing prior to the first use of the terrace is necessary in order to protect the privacy of neighbours.
12. The submitted proposed floor plan drawing shows that the window to bedroom 2 will be replaced by a doorway in order to provide access to the terrace area. This is not shown on the elevation drawing. As such, further details of this opening are required in order to ensure that the opening retains the character of the building.

Conclusion

13. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR