
Appeal Decision

Site visit made on 7 August 2023

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/K3605/D/23/3323309

58 Avondale Avenue, Esher, Surrey KT10 0DA

- 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 Dr Ganeshalingam against the decision of Elmbridge Borough Council.
 - The application Ref 2023/0081, dated 9 January 2023, was refused by notice dated 8 March 2023.
 - The development proposed is part two/part single-storey side/rear extension, single-storey side extension, partial conversion of garage into living space and alterations to fenestration following removal of existing storage and chimney stack.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 30 October 2023.

Decision

1. The appeal is allowed and planning permission is granted for part two/part single-storey side/rear extension, single-storey side extension, partial conversion of garage into living space and alterations to fenestration following removal of existing storage and chimney stack at 58 Avondale Avenue, Esher, Surrey KT10 0DA, in accordance with the terms of the application, Ref 2023/0081, dated 9 January 2023, and the conditions set out in the Schedule at the end of this discussion.

Procedural Matter

2. I have taken the description of development in the banner above from the Council's decision notice as it is more comprehensive than that on the application form.

Main Issues

3. The main issues are;
 - The effect on the character and appearance of the site and area; and
 - The effect on trees.

Reasons

Character and appearance

4. The proposed two storey side extension would sit on the boundary with adjacent property, 56 Avondale Avenue. The Elmbridge Local Plan Design and Character SPD (DCSPD)(2012) recommends that one metre be retained between side extensions and the adjacent boundary, to safeguard the rhythm and character of the street and to avoid creating a terracing effect. The Council states that, given that the adjacent property is a bungalow, the terracing effect would not occur in this instance. I have no reason to take a different view to the Council in this regard.
5. On my site visit I noted that, as per the appeal proposal, many properties on Avondale Avenue sit on their side boundaries. Therefore, this is a common characteristic of the area. Whilst the proposed two-storey extension would abut the side boundary, the adjacent bungalow is set away from it. As such, the level of space which would be retained between the dwellings would be similar to that between numerous other properties within the street. Consequently, the proposal would not be at odds with the local development pattern or character and appearance of the streetscene.
6. In conclusion, the proposed two-storey side extension would not harm the character or appearance of the area. Therefore, it would not conflict with Policy CS17 of the Elmbridge Core Strategy (2011) (ECS), Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (ELPDMP), the DCSPD and Section 12 of the National Planning Policy Framework (the Framework) which, taken together, require high quality design which preserves or enhances the character of the area.

Trees

7. Policy DM6 of the ELPDMP requires development proposals to include a scheme of landscaping, tree retention, protection and planting. It seeks to safeguard trees which 'mak[e] a significant contribution to the character or amenity of the area'. Paragraph 131 of the Framework recommends that 'existing trees are retained wherever possible'.
8. On my site visit I noted that a number of semi-mature trees and ornamental shrubs would be located close to the proposed rear extensions, both within the applicant's rear garden and in adjacent properties. I recognise the contribution that this landscaping makes to the attractiveness of these rear gardens. However, given their limited scale and position to the rear of the houses, there are only limited views of these trees and shrubs from the public realm. Consequently, their contribution to the character and appearance of the wider area is not significant.
9. I acknowledge that it is good practice for planning applications to include an assessment of the arboricultural implications of a proposed scheme. However, as I have described, the contribution the trees and shrubs make to the character of the wider area is limited. Therefore, I do not consider that a full arboricultural assessment is necessary in this instance. Instead, I am satisfied that it would be reasonable to attach a condition to any consent granted requiring a scheme of landscaping to be submitted and approved. This shall include indications of all existing trees, identify those to be retained, set out measures for their protection throughout the course of development and detail any mitigation landscaping required.

10. To that extent, I find no conflict with Policy DM6 of the ELPDMP or with the requirements of the Framework.

Other Matters

11. I have considered a number of matters raised by the owner of adjacent property, No 56 Avondale Avenue. The Officer report addresses queries regarding a plan discrepancy and downpipe details. I do not have full details before me to comment on an appeal relating to No 43 Avondale Avenue or the planning history of other extensions in the vicinity. Whilst the neighbour expresses concerns that the proposals would create a sense of overbearing, this is not contested by the Council. Potential damage to the neighbour's property during the construction phase would be controlled by the provisions of the Party Wall Act 1996. In my judgement, none of these matters are of sufficient weight to alter the balance of considerations in this appeal.

Conditions

12. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. In the interests of the character and appearance of the area, I attach a condition to ensure that the proposed materials match those of the existing dwelling. I attach conditions requiring a landscaping scheme in order to safeguard the character and appearance of the appellant's rear garden, as well as that of neighbouring properties. I also attach a condition requiring obscure glazing in a window to safeguard the living conditions of a neighbouring resident.

Decision

13. For the reasons given above, and taking into account all other matters raised, I allow the appeal.

Rebecca McAndrew

INSPECTOR

Schedule of 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 SK7, 058/AV0/001 Rev F and 080/CAR/0S.
3. The external materials to be used in the construction of the extensions hereby permitted shall match those used in the existing dwelling.
4. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and shrubs on the site, and on land adjacent to the site, that could be influenced or be affected by the development. It shall identify those to be retained and set out measures for their protection throughout the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. The two-storey side extension hereby permitted shall not be occupied until the first-floor window in the side elevation of that structure has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.