



Appeal Decision

Site visit made on 6 December 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.12.2023

Appeal Ref: APP/K3605/D/23/3326473

Copelands, 17A Rydens Avenue, Walton-On-Thames, Surrey, KT12 3JB

- 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 & Mrs Martin & Nicole Watkins against the decision of Elmbridge Borough Council.
 - The application Ref. 2023/1017, dated 3 April 2023, was refused by notice dated 15 June 2023.
 - The development proposed is part single and part two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for part single and part two storey side extension at Copelands, 17A Rydens Avenue, Walton-On-Thames, Surrey, KT12 3JB in accordance with the terms of the application, Ref. 2023/1017 dated 3 April 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) 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 or otherwise be in accordance with those in the application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 2272/P/01.
 - 4) The flat roof to the extension hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden, terrace or similar amenity area without the grant of a further specific permission from the Local Planning Authority.

Preliminary Matters

2. I have taken the description of development from the application form.
3. The National Planning Policy Framework (July 2021) (Framework) was revised in September 2023. However, the relevant design and amenity policies of the Framework remain unchanged in the September 2023 version.

Main Issues

4. The main issues are the effect of the proposed development on (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The Council's first reason for refusal refers to policy CS17 of the Elmbridge Core Strategy (July 2011) (ECS) and policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015) (EDMP). Combined, these policies seek, amongst other requirements, to ensure that new development: is of a good quality design; maximises the efficient use of land; responds to positive features of a location and takes account of the natural, built and historic environment; and seeks to preserve or enhance the character of an area having regard to appearance, scale, mass, height, the prevailing pattern of development and for extensions, the character of the host property.
6. The Council have also referred to the Design & Character Supplementary Planning Document (SPD) Companion Guide: Home Extensions (April 2012) (Companion Guide). From reading the latter, it appears to be a guide supporting the Design & Character SPD and offers general advice. Whilst the document is a material consideration, based on the evidence before me it does not appear to have the same status and weight that would be accorded an adopted SPD.
7. More up to date policy guidance is provided in paragraph 130 of the Framework which states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. The policies of the ECS, EDMP and Companion Guide, all predate the Framework as well as the National Design Guide (NDG) (January 2021). The latter reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
8. The appeal proposal involves a part single storey and part two storey side extension. The Council contend that the proposed extensions would result in an incongruous and overly bulky form of development that would adversely impact on the host property and the streetscene. I do not agree. The scale, bulk, height and form of the proposed extensions would be modest and whilst I accept that they would result in an increase in the bulk of the side elevation to the host, that increase would not be significant or harmful to the host property or to the streetscene. Both extensions have been designed to integrate with the design of the host and would, at the same time, appear subservient and proportional to the host. A pallet of materials to match existing and a replica window at first floor level on the front elevation, would further ensure that the proposed extensions appear as a sympathetic addition to the host.
9. I accept that there would be a material change to the scale and design of the side elevation to the host property, but I am satisfied that all the proposed changes, including the ground floor Crittal style doors, would be acceptable. Even so, as I observed on site, there are limited views of the side elevation to the host property from Rydens Avenue. This is due to the orientation of the

host, where it sits side-on to Rydens Avenue, with its main frontage facing onto a private lane that serves a small cul-de-sac of similar detached properties. As such, the proposed extensions would also face onto the private lane as well as the properties in the cul-de-sac. Moreover, the host property is set back a considerable distance from the private lane behind a high boundary hedge and wooden gates that effectively screen the ground floor to the host and views into the site from the lane. As a consequence, the proposed extensions would not have any harmful impact on the streetscene or on the character and appearance of Rydens Avenue.

10. Overall, I am satisfied that the impact of the proposed extensions on the host property and streetscene would not be harmful and that the extensions would sit comfortably on the appeal site. The proposed extensions would not appear incongruous, bulky or disjointed and as any public views would be limited they would also not appear out of character.
11. Turning to the Companion Guide, this advises that single and two storey side extensions should either be fully integrated with the host or clearly shown as being an extension. The former is preferred where it would not affect the host's symmetry with an adjoining property. As the host property is detached there are no issues of symmetry and as I have found the proposed extensions would be both subservient and proportional to the host. Whilst the extensions are flush with the main front wall, the proposed ridge sits well below that of the main roof and the extensions would be rendered to match existing, avoiding any awkward bonding with the host.
12. Accordingly, I find that the appeal proposal would not result in any harm to the character and appearance of the host property or to the streetscene and would be compliant, in this respect, with policy CS17 of the ECS, policy DM2 of the EDMP, the Companion Guide, and the policies of the Framework and NDG.

Neighbours living conditions

13. The Council contend that the proposed extensions would result in a loss of light and overshadowing, and have an overbearing impact on the occupiers at 19 Rydens Avenue (No.19). In this respect, the Council refer to policy DM2 of the EDMP, which seeks, amongst other requirements, to ensure that development is designed to offer appropriate outlook and provide adequate daylight, sunlight and privacy. The Council also refer to the Companion Guide which refers to the use of the 45° test, a useful rule of thumb in assessing the acceptability of proposed building relationships.
14. The Council's Delegated Report (CDR) appears to indicate that the proposed first floor element would comply with the 45° test. Whilst that may be so, as I observed on site this element would be set back from the rear main wall to the host and thus well set back from the side and rear windows of No.19. In view of this, the orientation of the host relative to No.19, the fact that the latter is sited to its east and with the proposed design incorporating a low hipped roof, I am satisfied that this aspect of the proposal would not result in any harm to the living conditions of No.19.
15. Turning to the ground floor element, that part of the proposal closest to the common boundary with No.19 would involve a modest expansion of the existing extension. The proposed design would also incorporate a flat roof to minimise its volume and impact. Whilst the Council contend that this aspect

would breach the 45⁰ test, it would be offset from the common boundary and there would still remain a reasonable gap between the enlarged ground floor extension and the side and rear windows of No.19. I accept that this aspect of the proposed extensions would be visible to the occupiers of No.19, but those views would be at an oblique angle and would be mitigated by the existing fencing and substantial hedge on the common boundary, with the latter being sited within the garden to No.19. For all the above reasons, I am satisfied that the level of impact on No.19 would not be harmful and that any conflict with the 45⁰ test would be minor and not sufficient in itself to justify the refusal of planning permission.

16. As a consequence, this aspect of the proposal would not result in any harmful loss of light or overshadowing or have any overbearing impact on the outlook of the occupiers of No.19.
17. Accordingly, I find that the appeal proposal would not lead to any harm to the living conditions of neighbouring occupiers and would, therefore, be compliant, in this respect, with policy DM2 of the EDMP, the general advice of the Companion Guide and paragraph 130 f) of the Framework.

Conditions

18. The Council has suggested conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing or otherwise be in accordance with those in the application form, are necessary and reasonable to secure a high-quality development and to reflect the details included in the application. A condition to prevent the future use of the flat roof to part of the new ground floor extension is also necessary and reasonable to protect the living conditions of the occupiers of No.19.
19. The Council have also suggested a condition to require the first floor roof light on the north elevation of the development to be obscure glazed and only openable above a certain height. However, this proposed window would be sited within the hipped roof slope to the first floor extension that is well set back from the common boundary with No.19. It would serve a bedroom and provide views over the side garden to the host, with only oblique views possible towards the boundary with No.19. Moreover, the potential for this window to impact on the living conditions of neighbours was not a matter raised in the reason for refusal. Similarly, in assessing the impact of the development on the amenities of No.19, the CDR does not raise any concerns in relation to the potential for this window to result in a loss of privacy. For all these reasons, this condition is not, in my view, necessary or reasonable.

Conclusion

20. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR