

Appeal Decision

Site visit made on 20 November 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/K3605/D/23/3327944

The Rosary, Cedar Road, Cobham, Surrey KT11 2AA

- 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 S Randall against the decision of Elmbridge Borough Council.
 - The application, Ref. 2023/0530, dated 21 February 2023 was refused by notice dated 26 May 2023.
 - The development proposed is a two storey rear extension, garage conversion into a habitable room and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension, garage conversion into a habitable room and loft conversion at The Rosary, Cedar Road, Cobham in accordance with the terms of the application, Ref. 2023/0530, dated 21 February 2023 and subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the host dwelling and the street scene of Cedar Road; (ii) the effect on the living conditions for adjoining occupiers as regards outlook and light, and (iii) the effect on the risk of surface water flooding. The Notice of Refusal also refers to an effect on protected trees but given that the Council's arboricultural officer does not object subject to the imposition of condition(s), this does not suggest this is an issue that needs to be addressed in this appeal.

Reasons

3. On the first issue, I saw on my visit that The Rosary is a detached house of considerably smaller scale than its immediate neighbours, 'Leighcroft' to the northwest and 'Stoke Gabriel' to the south east. Both of these houses are of a significant size, but because 'Leighcroft' is one half of a semi-detached pair with 'Limes', the built form on this side of the appeal property is particularly imposing. And by comparison with these neighbours The Rosary is modest in its proportions and arguably somewhat out of place in the street scene, albeit not harmfully.
 4. Because of the single storey garage, the main bulk of the building on the northern flank is set well away from side boundary. However, whilst the proposed extensions would close the gap with Leighcroft above ground floor level, the set back from the boundary together with the gap on the other side of
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the fence would be sufficient separation to be in keeping with the existing development pattern. As regards the flat roof, in my view this would not draw the eye of any passer-by as being detrimental to the appearance of either the dwelling or Cedar Road.

5. The officer's report refers to a closing of the gap with Stoke Gabriel, but for a significant extent of the existing dwelling's depth the relationship between the two properties would remain essentially the same. Other than to enlarge the kitchen the existing flank wall would remain in its present position and it is only at second floor and roof height that infilling of the gap would take place. And given that this would essentially be an addition to the side and rear, the Council's concern of a terracing effect is in my view not justified. The proximity of the development to the boundary would also be mitigated by the gap on the neighbour's side of the fence and the absence of any obvious potential for a side extension to Stoke Gabriel.
6. There would be a substantial addition to the built form with the rear addition, but as both neighbouring properties already have a large scale rear profile the appeal development would do no more than share that characteristic, albeit with the resulting symmetry of the rear elevation increasing the existing building's architectural merit.
7. In summary on this issue, the appeal scheme is for 'fully integrated extensions' to use the term referred to in the Council's Design Guidance. They would result in a substantial change of appearance of the host building, but I saw on my visit that there is no significant design unity in this part of Cedar Road. The introduction of a front dormer and its somewhat large size are drawbacks of the proposal, but in my view would not be so harmful to justify a refusal of permission.
8. Turning to issue (ii), the Council's objection is one of the impact of the development on light and outlook from the extension on Leighcroft. However, although not in itself determinative there is no objection to the development from this neighbour. Furthermore, the side window in Leighcroft most affected is to a dual aspect room, and with the large conservatory at the rear I am satisfied that despite the increased enclosure as a result of the extensions there would not be a significant loss of light and outlook.
9. As regards issue (iii), the officer's report criticises the submitted Flood Risk Assessment. However, I consider that this is adequate for minor development where the risk is from surface water rather than tidal or fluvial flooding, especially as a significant amount of the additional floorspace would be within the existing building footprint. In this case there is also a large rear garden and lawn to assist with the drainage of an increased rate of run off.
10. In summary, I conclude that the appeal scheme would have no adverse effect on the character and appearance of the host dwelling and the street scene and that the outlook and light for the neighbours and the risk of flooding would not be significantly affected. Accordingly, there would be no harmful conflict with Policies CS10, CS17 & CS26 of the Elmbridge Core Strategy 2011; Policy DM2 of the Elmbridge Development Plan 2015, or with Section 12: 'Achieving Well-Designed and Beautiful Places' and paragraph 135f) of the latest edition of the National Planning Policy Framework 2023.

11. I shall therefore allow the appeal subject to conditions suggested by the Council but amended as I consider necessary and appropriate. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning, whilst an external materials condition will safeguard visual amenity. A condition requiring obscure glazing in a bathroom window will protect privacy. Conditions in respect of existing trees and the risk of flooding will ensure no harm being caused in those respects as a result of the development.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. Series 2220-CTD-PL-GA: Plan Nos. 1001 Rev.1; 1005 Rev. 1; 1010 Rev. 1; 1011 Rev. 1; 1012 Rev. 1; 1020 Rev. 1; 1021 Rev. 1; 1022 Rev. 1; 1023 Rev. 1; Tree Plans: RMT 776 TCP; RMT 838 TPP;
- 3) Details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be first submitted and approved in writing by the Local Planning Authority. The extensions shall be constructed with the materials thereby approved;
- 4) Prior to the first occupation of the development hereby permitted the bathroom window on the first floor south elevation shall be obscure glazed and only openable above a height of 1.7m from the internal floor level. The window shall thereafter be permanently retained in that condition;
- 5) The development shall be carried out in full accordance with the Arboricultural Survey Implications Assessment and Method Statement prepared by RMT Tree Consultancy Ltd dated 24 March 2023;
- 6) Flood mitigation measures shall be carried out in accordance with the details identified in the Flood Risk Assessment prepared by Claire Totman Designs submitted as part of the planning application.