



Appeal Decision

Site visit made on 18 December 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5 January 2024

Appeal Ref: APP/K3605/D/23/3332971

21 Queens Drive, Thames Ditton, Surrey KT7 0TJ

- 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 Nicholas Gillieron against the decision of Elmbridge Borough Council.
 - The application Ref:2023/1579 dated 5 June 2023, was refused by notice dated 21 September 2023.
 - The development proposed is two storey front addition, widening existing historic addition; attic extension with new mansard roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing dwelling and on the local area,
 - b) The effect of the proposal, with particular regard to the rear balcony / terrace on the living conditions of neighbours, including through overlooking and loss of privacy, and
 - c) The effect of the proposal on flood risk.

Reasons

Issue a) Character and Appearance

4. The appeal property is a detached property on the north side of Queen's Drive with the rear garden bordering the River Thames and within a predominantly residential area. The existing property has been the subject of previous extensions and alterations and most significantly in street scene views, a two

storey front extension with a flat roof. There are also lawful development certificates granted by the Council for a single storey rear extension (under the Council's Refs: 2022/1230 and 2022/2253) which I understand would be very similar to the rear extension proposed as part of this overall proposal.

5. The surrounding area has a wide mix of mainly detached houses, as well as some semi-detached, many of which have been extended and altered over time. There is therefore considerable variety to the scale, height and design of the individual houses, for example there is a single storey dwelling with accommodation in the roof to the immediate west of the appeal property and taller houses further to the west and to the east. On the north side of Queen's Drive in the vicinity of the appeal site, most of the houses sit on quite narrow plots and so the built development generally fills the width of their plots.
6. The proposed extensions and alterations would widen the front extension towards the eastern boundary with a modest porch to the front and add a hipped roof over the enlarged front part of the dwelling. At the rear there would be a single storey extension (for which a lawful development certificate already exists) over which a terrace would be proposed. The existing roof over the central part of the house would be raised to introduce further accommodation within a mansard roof.
7. The proposed extensions and alterations would result in a substantial addition to the bulk, height and overall massing of the dwelling. I agree with the Appellant and the Council that the existing front extension and in particular its flat roof does not contribute positively to the character and appearance of the existing house or the local area. However, the very significant increase in height and massing as proposed, particularly in the proposed roof forms, would result in a very bulky property.
8. The roof form would appear very 'top heavy' in street scene views and particularly in views approaching from the west, where both the length of the roof as well as its overall massing and height would be highly visible. Notwithstanding the variety of the individual houses in the vicinity, I consider that the property as proposed to be extended would be visually incongruous and intrusive in the street scene, particularly as a result of the design, increased height and massing of the proposed roof forms.
9. The Council has also raised a concern about the effect of the proposed rear terrace / balcony on the character and appearance of the existing property. I agree with the Appellant, that rear terraces and balconies appear to be a feature on many of the properties in the vicinity, although the Council has indicated that not all of these may benefit from planning permission.
10. Even allowing for the addition of privacy screening, which I address under my second main issue, the proposed terrace / balcony would be relatively modest in the context of the existing house, taking into account that a lawful development certificate already exists for a similar sized rear extension. The terrace and its balustrades would be set in from and therefore smaller in area than the proposed ground floor extension, which would further reduce its effect on the existing character and appearance of the property. I consider that this part of the proposal would not harm the character and appearance of the existing property or of the local area. However, my finding on this part of the proposal does not outweigh the harm I have found from the remaining parts of the overall proposal and in particular the proposed roof forms.

11. I therefore conclude that the proposal would harm the character and appearance of the existing dwelling as well as the local area. This would conflict with Policies CS8 and CS17 of the Elmbridge Core Strategy 2011 (Core Strategy), Policy DM2 of the Elmbridge Development Management Plan 2015 (DM Plan) guidance within the Design and Character Supplementary Planning Document (Home Extensions Companion Guide) 2012 (SPD) and the Framework, all of which amongst other matters seek a high quality of design which respects the local context.

Issue b) Living Conditions

12. The narrowness of the plots and the scale of the dwellings, many with windows in side elevations as well as to the front and rear, results in some overlooking between properties as existing. This includes the appeal property, as existing, whereby there are side facing windows in the front addition facing towards and over the adjoining property to the west.
13. Additional windows are proposed in the extended property, but I agree with the Council that those in the side elevations would largely serve bathrooms or landings or be secondary windows. Were no other matters of concern and planning permission were to be granted, conditions could be imposed to require these windows to be obscure glazed or alternatively detailed, as appropriate.
14. With regard to the rear terrace at first floor level, I agree with the Council that there would be the potential for overlooking towards windows in the neighbouring properties, as well as into their rear gardens. I have taken into account the existence of other terraces, albeit I note that some of these may not benefit from planning permission. Were no other matters of concern and planning permission were to be granted I consider that a condition could be imposed to require further details to be submitted to include privacy screens to the side elevations. As I have set out under my first issue, I do not agree with the Council that such a change would have a material impact on the character and appearance of the existing dwelling, particularly taken into account the lawful development certificate already granted by the Council for a ground floor rear extension and the scale of the proposed terrace / balcony.
15. Subject to the imposition of conditions as set out above, I am satisfied that there would be no harm to the living conditions of the neighbours, through overlooking and loss of privacy. There would be no conflict with Policy DM2 of the DM Plan and the Framework and in particular paragraph 135 f), both of which amongst other matters seek for new development to respect the amenities of existing and future occupiers.

Issue c) Flood Risk

16. The application was accompanied by a flood risk assessment (FRA) but the Council raised a number of concerns which were not addressed further at the appeal stage. I have taken into account the nature of the proposal relating to extensions to a residential dwelling and that a lawful development certificate already exists for a rear extension, as now proposed. However, the proposal before me would be more extensive than the rear extension and increase the overall footprint on the site.
17. Given that the property lies within a flood risk area, I share the concerns of the Council and taking a precautionary view, I consider that the information

submitted has not satisfactorily demonstrated that the proposal would not give rise to an additional flood risk both within the site and elsewhere. This would conflict with Policy CS26 of the Core Strategy as well as the Council's Flood Risk SPD, both of which seek to ensure that development is safe and the risk from flooding on site and elsewhere is safeguarded against.

Conclusion

18. I have found that, subject to the imposition of appropriate conditions, the proposal would not harm the living conditions of the immediate neighbours. However, this finding does not outweigh the harm I have concluded to the character and appearance of the existing property and to the local area, as well as the potential flood risk.
19. The proposal would not therefore accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR