



Appeal Decision

Site visit made on 15 January 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 26TH February 2024

Appeal Ref: APP/K3605/D/23/3331275

3 Ruxley Ridge, Claygate, Esher, Surrey, KT10 0HZ.

- 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 and Mrs Ralph against the decision of Elmbridge Borough Council.
 - The application Ref 2023/1415, dated 17 May 2023, was refused by notice dated 21 August 2023.
 - The development proposed is for a first floor side extension and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and alterations at 3 Ruxley Ridge, Claygate, Esher, Surrey, KT10 0HZ in accordance with the terms of the application, Ref 2023/1415, dated 17 May 2023, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: HA/3RR/01-A00, 02-A00, 03-A00 and 04-A00.
 - 4) The extension hereby permitted shall not be occupied until the utility room window in the northern elevation at ground floor level has been fitted with obscured glazing with glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (or similar), and no part of that window that is less than 1.7 metres above the finished floor level of the room in which it is installed shall be capable of being opened. The window shall be permanently maintained in that condition thereafter.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of the occupiers of 4 Ruxley Ridge in terms of its potential to appear overbearing and result in a perception of overlooking.

Reasons

3. The appeal property, 3 Ruxley Ridge, is a detached two-storey dwelling. Ruxley Ridge is characterised by large vernacular designed dwellings styled in a reproduction Regency style typical of the late 1980's-early 1990's, on an undulating site.
4. Number 3 has an attached flat roofed single storey double garage along with a rear and side addition on its northern flank built up to the shared northern boundary with an adjacent property, 4 Ruxley Ridge. Number 3 is set slightly further back in its plot than number 4 and is in a more elevated position.
5. The appellants propose a first floor addition built over the existing garage as well as part of the later rear addition. Further, it is also proposed that the existing garage would be converted to residential accommodation and a new porch built on the front façade of the main house.
6. The Council's concern in this case is the first floor extension's potential to appear overbearing and result in a perception of overlooking.
7. The flank wall of the proposed first floor addition would be set in from the common boundary to number 4 to provide the requisite minimum separation distance required by the Elmbridge Local Plan Design and Character Supplementary Planning Document (Adopted April 2012) (SPD). Despite the addition height, resulting from the proposed first floor addition I do not consider therefore that this would add significantly to the overall visual mass of the northern flank wall when viewed from the rear garden of number 3. In my judgement therefore, the proposed first floor addition would not appear so overbearing to the occupants of number 4, when viewed from their rear garden, as to result in significant harm to their living conditions.
8. A new window is proposed in the north wall of the existing utility room at ground floor level. This is shown to be obscure glazed, thereby preventing overlooking. Based on my observations on site, and subject to the installation of obscure glazing and if the window were only openable above 1.7 metres, both matter that could be conditioned, I do not believe that the proposed window would result in either actual or perceived overlooking.
9. For the reasons set out above I have concluded on the main issue that the proposed development would not cause significant harm to the living conditions of the occupiers of 4 Ruxley Ridge in terms of its potential to appear both overbearing and result in a perception of overlooking. It would therefore accord with the objectives Policy DM2 of the Elmbridge Local Plan Development Management Plan (Adopted April 2015) and the Elmbridge Local Plan-Design and Character Supplementary Planning Document (Adopted April 2012) as they seek, amongst other things, to protect residential amenity.

Other Matters

10. Other concerns raised by the neighbouring occupier, in terms of natural light and party wall matters have previously been addressed by the Council in its evidence. Nevertheless, I have had due regard to these matters in reaching my determination in this case.

Conditions

11. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
12. To ensure the private amenity of neighbouring occupiers I shall require the proposed utility room window in the north elevation to be non-openable below 1.7 metres and obscure glazed.
13. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR