



Appeal Decision

Site visit made on 9 April 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/K3605/D/23/3332889

46 Oaken Lane, Claygate, Easher, Surrey, KT10 0RG.

- 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 Jon Sturgeon against the decision of Elmbridge Borough Council.
 - The application Ref 2023/2497, dated 11 September 2023, was refused by notice dated 6 November 2023.
 - The development proposed is for a timber frame single storey outbuilding to be used as a carport.
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Decision

1. The appeal is allowed and planning permission is granted for a timber frame single storey outbuilding to be used as a carport at 46 Oaken Lane, Claygate, Easher, Surrey, KT10 0RG in accordance with the terms of the application, Ref 2023/2497, dated 11 September 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 development hereby permitted shall be carried out in accordance with the following approved plans, drawings: A-0-(Proposed site plan), JS/001 and JS/002
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be all as set out on the Householder Application form submitted with the original planning application dated 11 September 2023.
 - 4) The carport hereby permitted shall not be first brought into use unless and until pedestrian inter-visibility splays measuring 2.0 x 2.0 metres have first been provided to either side of the access to 46 Oaken Lane, the depth of the splays measured from the back of the footway (or verge) and their width measured outwards from the edge of the access. No obstruction to visibility above 0.6 metres in height above ground level shall be erected/planted within the area of the splays. The visibility splays shall be retained thereafter.

Main Issue

2. I consider the main issue to effect of the proposed development on the character and appearance of the street scene.

Reasons

3. The appeal property, 46 Oaken Lane, is a detached two-storey dwelling. It is sited centrally on its plot and well back from the road. It is the first house at the start of the built-up area on this side of Oaken Lane, marking the transition from a rural to a suburban character.
4. The appellant proposes a timber clad open fronted carport, designed in a typical rural building style. It would be sited in the north-east corner of the plot and in front of the house. The carport would have a footprint of 6.0 x 6.0 metres with an unequal pitched roof having ridge height of some 3.2 metres.
5. The Elmbridge Local Plan-Design and Character Supplementary Planning Document Companion Guide: Home Extensions (Adopted April 2012) (SPD) is a material; consideration but it is only guidance, and it should not be applied to each and every property prescriptively to the exclusion of all other factors, including physical circumstances and context of a site. At paragraph 1.25 of the SPD it states that *as with other extensions, a garage is usually better set back from the face of the existing house.*
6. From what I saw on site I consider that the proposed carport by reason of its design would be appropriate on this site on the edge of a rural area. Due to the existing planting, it would be well screened when approaching Claygate from the north. I appreciate that it would be more open to views from the south and that there are no direct comparable structures in the immediate vicinity.
7. Given the semi-rural, rather than suburban nature of the location I give limited weight to the need to maintain a strict building line here. Indeed, being the last house within the built-up area a structure here where planned would further reinforce the significance of 46 as the last house in the row.
8. On balance, and for the reasons given, I conclude in respect of the main issue that the proposed carport would not appear out of keeping and thereby harmful to the overall character and appearance of the street scene. To allow it would therefore accord with the objectives of Policy CS17 of the Elmbridge Borough Council-Core Strategy (Adopted July 2011), Policy DM2 of the Elmbridge Borough Council-Development Management Plan (Adopted April 2015), the Elmbridge Local Plan-Design and Character Supplementary Planning Document Companion Guide Home Extensions (Adopted April 2012) (SPD) and the National Planning Policy Framework as they relate to amongst other things the quality of development and the requirement to preserve the character of the area.

Conditions

9. 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.

10. In order that the development will not prejudice highway safety nor cause inconvenience to other road users I shall require adequate pedestrian inter-visibility splays to be provided and maintained.
11. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR