



Appeal Decision

Site visit made on 23rd May 2024

by Megan Thomas KC Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 17th June 2024

Appeal Ref: APP/K3605/D/24/3339116

Heatherdown, Fair Oak Lane, Oxshott, Surrey KT22 0TN

- 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 Kuldeep Sahota against the decision of Elmbridge Borough Council.
 - The application Ref.2023/3252, dated 28 November 2023, was refused by notice dated 23 January 2024.
 - The development proposed is a detached garage to front.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is on the north side of Fair Oak Lane (B280) in Oxshott. It is currently a detached two storey house with a detached garage to the east side. It sits in a spacious plot in a row of large residential houses in similarly-sized plots.
4. Planning permission has been granted for the construction of a new detached two storey dwelling with rooms in the roof space, dormer windows and single-storey rear outbuilding containing a swimming pool, following demolition of the existing house.
5. The proposed development is for a detached three bay garage with a floor of accommodation in the roof space. It would have two front facing windows in the roof similar to a mansard roof. It would be sited perpendicular to the frontage of the proposed replacement dwelling between the Lane and the dwelling, with its south flank facing the road. Other dwellings nearby have garages at the front, some of which can be easily seen from the Lane.
6. The proposed garage would be about 12m in length, about 8.1m in width and about 5.4m high. The footprint would be about 95sqm. It would be a substantial ancillary building. It would be visible from the Lane, particularly in winter when vegetation dies back.

7. The roof design would be very prominent with a flat crown roof, deep steep pitches and mansard style dormer windows. This would be highly incongruous with the streetscene in design terms. The predominant ancillary building roof style in the area is simpler and more subservient. The proposed scale of the building which includes upper floor accommodation exacerbates this incongruity. Whilst there are detached garages that have been constructed in the front forecourts of buildings in the immediate area the Council indicate that several of these pre-date the Council's current development management policies and policy in the National Planning Policy Framework which placed greater emphasis on achieving good design.
8. The combination of the bulk, massing, height and siting of the building would be a poor design and one which failed to be in sympathy with the character and appearance of the area. I have borne in mind that the detailed design of the garage takes some cues from the proposed replacement dwelling and that it would be sited at a lower level than Fairoak Lane, nevertheless, this does not outweigh the harm which would result from the bulk, mass, height and siting of the building.
9. Consequently, I conclude that the proposed development would unduly harm the character and appearance of the area. It would conflict with policy CS17 of the Elmbridge Core Strategy (adopted 2011), policy DM2 of the Elmbridge Local Plan Development Management Plan (adopted 2015) and the National Design Guide (2019).

Conclusion

10. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR