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## Appeal Decision

Site visit made on 28 May 2024

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> June 2024**

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**Appeal Ref: APP/K3605/D/24/3339813**

**9 Alpine Road, Walton-on-Thames, Surrey KT12 2NH**

- 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 Rajesh Sharma against the decision of Elmbridge Borough Council.
  - The application Ref 2023/2780, dated 2 August 2023, was refused by notice dated 7 December 2023.
  - The development proposed is alteration of the existing garage to form a new office area and ground floor WC with new window and door to front elevation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.
3. The planning application form indicates that the development has already taken place and I was able to view the development at the time of my visit.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

### Main Issues

5. The main issues raised by this appeal are: -
  - a) The effect of the proposed development on the character and appearance of the host property and the area; and
  - b) The effect of the proposed office on the living conditions of existing neighbouring occupiers.

### Reasons

#### *Character and appearance*

6. A number of properties in the surrounding area, including others within the terrace, have converted garages to living accommodation. Overall, with the

- exception of the neighbouring property at No 11, the conversions incorporate brickwork to match that of the frontages of the properties. The front elevation clad with dark brown panelling is not in keeping with the prevailing character and appearance of the properties in the area and other similar conversions.
7. Further to this, there are two entrance doors within the frontage of the dwelling and the window and door within the conversion have a cramped appearance. This does not represent good design or reflect that of other conversions in the area. The appearance of the dwelling is out of keeping with the appearance of the other properties in the area.
  8. Taken together, the cladding and design are harmful to the character and appearance of the host property and the area. Whilst the harm would not be prevalent in wider views of the site, it is clearly visible in localised views of the terrace. The appellant has expressed a willingness to stain the cladding a different colour. However, I have found the cladding to be out of keeping with the area. Therefore, I do not consider that changing the colour of the cladding would overcome my concerns sufficiently to lead me to come to a different view on this matter.
  9. I have been provided with a historic image showing the garage door of the appeal property to be surrounded by dark cladding. However, the Council highlights that there is no history as to any previous cladding having the benefit of planning permission. It may be that with the passage of time the cladding could be lawful, however I have no substantive evidence before me that would indicate this to be the case. Even if the frontage did host cladding, this does not make the proposal more acceptable, nor does it outweigh the harm that I have identified above. I, therefore, give this little weight.
  10. As noted above, the garage of No 11 Alpine Road has been converted to living accommodation. That conversion is clad with dark brown panelling. Both parties indicate that planning permission for the conversion of that integral garage into living room related to a 1966 planning application. That was many years ago and the considerations relating to that proposal predate the current development plan and Framework. That development is not consistent with the other conversions in the locality that have utilised matching brickwork and, as such, offers little support in favour of the proposal.
  11. The development does not fall within a conservation area or the curtilage of a listed building. However, these factors do not overcome my concerns or justify the proposal.
  12. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the area. The proposal would, therefore, conflict with Policy DM2 of the Elmbridge Development Management Plan 2015, Policy CS17 of the Elmbridge Core Strategy 2011, the Design and Character Supplementary Planning Document (SPD) (Home Extensions Companion Guide) 2012 and the provisions of the Framework. These policies and SPD seek, amongst other matters, development to be of high quality design.

#### *Living conditions*

13. The Council and third parties that have commented on the planning application question whether the office space would be genuinely ancillary to the host

dwelling. Access via an external door indicates the space may not be fully ancillary to the main dwelling, although the plans that support the application show an internal door connecting the office with the host dwelling. A separate office could potentially generate activity that could impact upon the living conditions of existing residential occupiers in the area.

14. I acknowledge the Council's concern that enforcing a condition requiring the office to remain ancillary to the main dwelling could be problematic. Nonetheless, the planning application has been submitted as a householder application seeking planning permission for works or extension to a dwelling. This is the proposal that is before me. The proposal does not indicate any intention for the office to be severed from the main dwelling house despite the inclusion of an external access. As such, an ancillary office would be unlikely to generate significant comings and goings. Therefore, I do not consider the proposal would give rise to activity that would cause significant harm to the living conditions of the existing residential occupiers within the area.
15. For these reasons, I conclude that the proposed office as a use ancillary to the dwelling would not be harmful to the living conditions of existing neighbouring occupiers. The proposal would not conflict with Policy DM2 of the Elmbridge Development Management Plan 2015 and the provisions of the Framework. These seek, amongst other matters, development to protect the amenity of adjoining occupiers.

### **Conclusion**

16. Whilst I have found in favour of the appellant in terms of the second main issue, this does not overcome the identified harm in relation to the first main issue.
17. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR