
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: 18 June 2024

Appeal Ref: APP/K3605/W/23/3328038

83 Oaken Lane, Claygate, Easher KT10 0RQ

- 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 Inderpreet Singh against the decision of Elmbridge Borough Council.
 - The application Ref 2033/0702, dated 7 March 2023, was refused by notice dated 12 July 2023.
 - The development proposed is demolition of existing dwelling and erection of detached two-storey replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal within the Council's decision notice makes reference to Policy DM15 of the Elmbridge Development Management Plan 2015. The Council have confirmed that this was an error and the refusal reason should have included reference to Policy DM2 of the Elmbridge Development Management Plan. I have a copy of Policy DM2 and have taken this into consideration rather than that of the incorrect Policy DM15.
3. 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.
4. The proposal was subject to amendment during the course of the Council's consideration of the planning application. The Council have indicated that the planning application was determined on the basis of those amended plans upon which third parties were consulted. The appellant has requested that the proposed development as originally submitted also be considered. The Council contend that it and third parties would be prejudiced by this. Whilst it has not been explained why this might be, if I were to determine the application on the basis of the original plans it may be that the interests of parties who might wish to comment could be prejudiced. For this reason, I have not had regard to the original plans.

Application for costs

5. An application for costs has been made by Mr Inderpreet Singh against Elmbridge Borough Council. That application is the subject of a separate decision.

Main Issue

6. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the Oaken Road street scene.

Reasons

7. The area surrounding the application site is characterised predominantly by dwellings which feature traditional roof forms that include hipped or gable ends. The proposal would be set back into the site matching the building line of the properties either side. The roof form would be contrived as it would appear that the ridge has been artificially lowered in order to be consistent with the heights of neighbouring properties. The relationship between the capped ridge to the front of the dwelling and the crown roof behind would represent poor and disjointed design. The crown roof would be inconsistent with the predominant design of dwellings in the vicinity and would appear substantially visually out of keeping in the street scene for this reason.
8. The existing dwelling on the site also has a capped flat roof over the existing garage. However, the existing garage is a single storey structure subservient to the main dwelling house, which hosts a pitched roof. The capped roof of the proposal would relate to the main roof of the proposed dwelling and, as such, needs to be considered within the context of the street scene. I therefore attribute little weight to flat roofed appearance of the existing garage.
9. Further to the above, the front elevation would include a combination of gabled, pitched and crown roof forms. This would create an incoherent appearance to the front elevation, particularly at first floor level. Indeed, the appellant describes the oriel bays and mono-pitch gables projecting through the main roof slope as a bold and deliberate feature. The proposal would have a contrived design made up of a mixture of different masses, architectural styles and materials, including render, zinc/copper metal and artificial slate roof tiles. Whilst the existing property consists of a broad palette of materials, these are of more traditional types.
10. Taking these matters together, the mixture of crown, pitched and flat roof, the appearance of the front elevation and the mixture of materials would create a development of discordant appearance. In contrast to the relatively simple and traditional form of the neighbouring properties the proposed dwelling would appear strikingly out of keeping. Consequently, the proposed development would be visually harmful to the Oaken Lane street scene.
11. The gateway location of the site is identified in the Design & Character Supplementary Planning Document (SPD) Companion Guide for Claygate. The appellant has provided perspective drawings in support of the appeal. Some of these viewpoints have been taken within close proximity to the front elevation of the proposed dwelling. Although the flat roof would be set below the ridge line of the main roof, the central area of the roof being flat would be perceivable when looking at the property. As can be seen from the images provided, the appeal property would be visible from the footpath at Oaken

Lane, the nearest public vantage point. I saw that it would also be visible on the approach from the west despite there being existing vegetation along the site frontage. From these vantage points views of the capped roof would be possible. Whilst the appellant contends there would be no perceivable visual harm to the street scene, I disagree with the appellant on this matter.

12. The adjoining neighbouring property, No 85 Oaken Lane, has been altered. However, the roof form and No 85 with its hipped roofs and front gable projection retain the appearance of a traditional roof form which is, by design, very different to the roof that is proposed here. This provides little weight in support of the proposal.
13. I have been referred to a planning permission elsewhere in the Borough (Ref: 2022/0411) for a two-storey dwelling featuring a crown roof, elevation details of which have been provided. The Council comments that that development is located in an area of differing prevailing designs and local character and, as such, there are material differences between the considerations pertaining to that planning permission and this appealed scheme. Given this, I do not consider that proposal for a different proposal in a different location to offer weight in support of this proposal as the consideration will be quite different.
14. The appellant has directed me to Figure 8 of the Design and Character SPD and contends that the proposal is comparable in appearance to the appeal scheme. The Council points out that this image from the SPD aims to provide guidance relating to alternative methods of designing buildings with comparable volume but differing forms. As I see it this relates to a guide that specifically relates to modelling volume. Furthermore, it is contended that the local planning authority have failed to give weight to those aspects of its own local policies that are supportive of contemporary design. It is clear that the Council is willing to consider proposals for contemporary design but this does not negate the requirement to consider the proposal within the context of the street scene in which it is proposed.
15. I note that there have not been any local objections raised to the proposal either from the Parish Council or the occupiers of neighbouring properties specifically with regard to the character and appearance of the proposed development. Whilst this may be so, this does not overcome my above concerns or justify the proposed development.
16. It has been advised that subsequent to the refusal of planning permission the subject of this appeal, planning permission has been granted (Ref: 2023/2144) for an alternative scheme. It is suggested that the marginally lower ridge height of that permission is comparable to this appealed proposal as originally submitted. The Council considers that the overall design and appearance of the approved development to be much more in keeping. However, the appellant contends that it would be of poor architectural quality. Nonetheless, the Council have found that scheme to be acceptable. Furthermore, that proposal is not before me for consideration of its merits.
17. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the Oaken Road street scene. The proposal would, therefore conflict with Policy CS17 of the Elmbridge Core Strategy 2011, Policy DM2 of the Elmbridge Development Management Plan 2015, the Design and Character SPD and the provisions of the Framework.

These policies and SPD seek, amongst other matters, development to be of high quality design and to preserve or enhance the character of the area.

Other Matters

18. Development at this site has been subject to the Council pre-application advice service. The appellant has provided a timeline of events within their statement of case of communications between the applicant, now the appellant, and the Council. However, it does not fall to me to assess the Council's administrative performance as part of this appeal. My allocated task is to deal with the proposal as determined by the Council.
19. I note there is disagreement as to the local planning authority's application of the 45-degree sightline test. However, the matter of light is not in contention as it does not form a reason for refusal.

Conclusion

20. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR