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# Appeal Decision

Site visit made on 24 May 2024

**by N Perrins BSc (Hons), MSc, MRTPI**

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

**Decision date: 23 July 2024**

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**Appeal Ref: APP/K3605/W/23/3333138**

**287-290 Eastcote Avenue, West Molesey KT8 2EZ**

- 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 John Cunningham against the decision of Elmbridge Borough Council.
  - The application Ref: 2023/1922.
  - The development proposed is single and two-storey extensions incorporating increase in ridge height.
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## Decision

1. The appeal is allowed and planning permission is granted for single and two-storey extensions incorporating increase in ridge height at 287-290 Eastcote Avenue, West Molesey KT8 2EZ, in accordance with the terms of the application dated 26 September 2023, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
  - 2) The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: (i) Proposed Site Plans Drawing No 16-089-7, (ii) Proposed Ground Floor Plans Drawing No 16-089-8 (received 1 August 2023), (iii) Proposed First Floor Plan Drawing No 16-089-9 Rev a, (iv) Proposed Second Floor Plans Drawing No 16-089-10 Rev a, (v) Proposed Roof Plans Drawing No 16-089-11, (vi) Proposed Elevations 1 of 2 Drawing No 16-089-12, (vii) Proposed Elevations 2 of 2 and Typical Section Drawing No 16-089-13 Rev a;
  - 3) The development shall not be erected other than in the following materials: render for the walls, slates for the sides of the mansard roof slopes and EPDM to the crown and uPVC for the windows and doors or such other materials as have been approved in writing by the local planning authority;
  - 4) Prior to the occupation of the development hereby permitted the second floor side windows on the east and west elevation of the development hereby permitted shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter.
  - 5) All flood mitigation measures shall be carried out in accordance with the approved details set out in the flood risk assessment prepared by

Herrington Consulting Ltd received by the local planning authority on 10/07/2023.

- 6) None of the works hereby permitted shall be commenced or undertaken prior to all owners of the property at Nos 287, 288, 289 and 290 Eastcote Avenue having entered into a legally enforceable contract for the development of the site and completion of the extension to all four houses in accordance with the approved plans. Evidence of the requisite contract shall be submitted to the borough council before works commence and thereafter shall be produced to the borough council on demand.

### **Preliminary Matters**

2. I have taken the description of development from the Council's decision notice as this more accurately reflects the development than what was included on the planning application form.
3. I have reviewed the planning history of the site, which includes an identical proposal approved in 2018 Ref: 2017/3336 that has since lapsed. I acknowledge that the Council's development plan policy and supporting guidance has not changed since the 2017 decision and remains extant, although there have been subsequent updates to the National Planning Policy Framework (the Framework). I also note that there was a similar proposal approved in 2003 Ref: 2003/2660 albeit using policies within a now superseded development plan.

### **Main Issues**

4. The main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

5. The appeal site comprises a terrace of four, two-storey dwellings with flat roofs. The character of Eastcote Avenue is residential comprising mainly terraced and semi-detached dwellings with predominantly flat roofs although there are some rows of terraces with pitched roofs. There is a three-storey block of flats with a flat roof adjacent to the appeal site.
6. The proposal would add a mansard roof to the terrace of dwellings along with a two-storey rear extension. The proposal's design, including mansard roof, is identical to the scheme approved in 2018<sup>1</sup>. Whilst there are not any properties with mansard roofs along Eastcote Avenue at present, the Council previously concluded that it was an acceptable form of development that accorded with all relevant development plan policy and supporting supplementary planning guidance all of which remains in place and unchanged.
7. Having reviewed the officer's report for the 2018 decision it would appear that the Council gave weight to the wider character and appearance of the area, which as I observed on my site inspection includes mansard roofs on terraces similar to the appeal site on nearby streets. When taking into account the wider character of the area beyond Eastcote Avenue, the introduction of a mansard roof on the appeal site would not, as a matter of principle, be out of character with very similar development nearby.

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<sup>1</sup> Ref: 2017/3336

8. Furthermore, the appeal site is located adjacent to a three-storey block of flats that has a markedly different scale and form to the rows of terrace houses along the street. The flats, therefore, provides a distinct change in street scape character that would help to frame and assimilate the appeal proposal without the proposed change causing material harm to the character of the street.
9. I acknowledge in the other direction the introduction of a mansard roof would be higher than the adjacent flat roof terrace. However, there are numerous examples within the Eastcote Avenue street scene of pitched roof terraces being located directly adjacent to flat roofed terraces. Accordingly, I am not persuaded that there is a materially harmful difference between the impact of a mansard roof compared to a pitched roof when located next to flat roof terraces in this area. This is confirmed by the mansard roofs that exist on nearby streets that form part of the character of the area and assimilate successfully with both flat roof and pitched properties.
10. I have also had regard to the Elmbridge Local Plan Design and Character Supplementary Planning Document (SPD) companion guide for West Molesey (2012). The appeal site is located in the MOL06: West Molesey residential suburbs character area, which identifies that house types tend to be repeated within a street giving some identity and homogeneity. The guide highlights that the majority of Howard Houses have been altered, particularly with pitched roofs. However, the companion guide also includes a photo, albeit on a different street, of a terrace with a mansard roof. This further confirms that mansard roofs are part of the character and appearance of the MOL06 area.
11. I acknowledge that the Council consider that the updated National Planning Policy Framework (the Framework) and introduction of the National Design Guide (NDG) now places higher emphasis on design standards with numerous references to development needing to be beautiful. Whilst I agree that design expectations have been increased since the 2018 decision, I am not persuaded from the information before me that the appeal proposal is a form of development that the Framework and NDG is actively seeking to resist in design terms. On the contrary, the Framework at Paragraph 124 specifically promotes the benefits of mansard roofs where appropriate for their setting.
12. Finally, consistency in decision making is an important principle in planning and an identical proposal has previously been found to be acceptable by the Council in accordance with development plan policy and supporting SPD guidance that all remains in place. As has been set out, the appeal proposal would be in keeping with numerous other examples nearby and would not result in material harm to the Eastcote Avenue street scene, particularly given the scale and form of the adjacent block of flats that would help to frame the proposal. I am, therefore, not persuaded that the updated Framework and publication of the NDG include any specific guidance that is sufficiently material to justify reaching a different decision and refusing planning permission.
13. To conclude the proposal would be in keeping with the character and appearance of the area in accordance with the requirements of Policies CS7 and CS17 of the Elmbridge Core Strategy (2011) and DM2 of the Elmbridge Local Plan Development Management Plan (2015), which seek to ensure development enhances the local character of the area, deliver high quality design that integrates sensitively with the locally distinctive townscape and preserve or enhance the character of the area.

## **Other Matters**

14. The appellant has explained the circumstances that resulted in the previous planning permission lapsing. As I have found the proposal to be acceptable this is only a neutral factor in this appeal.

## **Conditions**

15. I have reviewed the Council's suggested conditions and agree that all are needed in this case. The standard time limit condition and a condition that specifies approved plans are necessary to ensure clarity and precision; I have made some slight amendments to the plans condition to include the name of each plan along with the drawing number. A materials condition is necessary to ensure that the external appearance respects the character of the area. I also agree that the Council's wording to secure obscure glazing is necessary to ensure the development preserves privacy of neighbouring residents.
16. The application was supported by a Flood Risk Assessment given the site's location in Flood Zone 2. I agree with the Council that the flood mitigation measures within are acceptable and will ensure the proposal is safe in flood risk terms and will not increase the risk of flooding elsewhere. However, it is necessary to ensure these measures are secured by condition, which I have attached in accordance with the Council's proposed wording.
17. The Council's suggested condition 6 seeks to ensure that the development will be delivered comprehensively in order for all properties to be extended and completed. I agree that it is necessary to ensure that all of the development across all four houses is completed as a single project in order to safeguard the character of the area. I am satisfied that the Council's wording is sufficiently precise and enforceable to provide the required assurance in this regard and have attached it as a separate condition of this decision.

## **Conclusion**

18. For the reasons given above, the development subject to conditions is consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be allowed.

*N Perrins*

INSPECTOR