



Appeal Decision

Site visit made on 16 and 27 August 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/K3605/D/24/3345730

96 Claygate Lane, Esher, Surrey KT10 0BJ

- 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 Konstantin Gogol against the decision of Elmbridge Borough Council.
 - The application Ref: 2024/0112.
 - The development is for part two / part single-storey rear extension, single-storey front extension, front porch, conversion of garage into living space, side dormer windows, rooflights and alterations to fenestration and exterior finish.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is substantially completed and, therefore, retrospective. I have assessed the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of the neighbouring property with regard to their outlook.

Reasons

Character and appearance

4. The appeal site is a detached two-storey dwelling located at the end of a run of dwellings on Claygate Lane adjacent to woodland.
5. The development has been substantially completed and follows an earlier planning permission at the site Ref: 2022/0392 for extensions to the property. The appeal development differs from Ref: 2022/0392 by incorporating a flat roof side dormer window, the first-floor roof extension on the northern side elevation being around 2.2m longer, an altered roof arrangement, grey roof tiles, changes to fenestration design, alterations to the chimney breast and a change to the door on the east elevation. The alterations that are in dispute between the parties with respect to character are the flat roof side dormer and associated alterations to the roof including increase in ridge height.

6. The character of the roof scape on Claygate Lane is consistent in terms of its design, scale, height and appearance. It is notable that flat roof dormer extensions are not a prominent feature of the character of the area. In contrast, the development includes a large flat roofed side dormer with an associated increase in ridge height that creates a crown roof. This appears as an overly large, top heavy and dominant alteration to the roof that is not in keeping with the prevailing roof scape character of the area.
7. Moreover, the side dormer with its elevated height and flat roof has an unduly functional design that does not assimilate harmoniously with the rest of the dwelling or character of roof designs in the area. The flat roof dormer and associated changes to the roof structure is also a reduction in the design quality previously approved, which included a dual pitched dormer that was more sympathetic to its overall roof design when compared with what has been built. The property being at the end of a run of dwellings in an elevated position does not justify the harm identified as the overly large and incongruous roof structure is still visible and prominent within its part of the street scene.
8. I also viewed the development from the adjacent woodland, which is within the Green Belt. Whilst there are glimpses of the development from the woodland, it is well screened by mature trees and, therefore, not visible to any materially harmful degree from this direction. However, this does not justify the visual harm from the development's incongruous roof design and scale when viewed from Claygate Lane.
9. To conclude, the development is contrary to Policy CS17 of the Elmbridge Local Plan Core Strategy 2011 (CS) and Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (DMP). The development is also inconsistent with the guidance in the Design and Character Supplementary Planning Document Companion Guide 2012 (SPD). These policies and guidance seek to ensure new development integrates sensitively with locally distinctive townscape, enhances the street scene, preserves or enhances the character of the area, and for roof extensions to not dominate the roof. The proposal would also conflict with Paragraph 135 of the National Planning Policy Framework, which seeks to ensure developments are sympathetic to local character.

Living conditions

10. The Council has expressed concerns with the side dormer opposite No 94 Claygate Lane being built slightly higher and around 2.2m longer than what was approved by Ref: 2022/0392. The principal concern is that the additional bulk and mass harms the outlook from No 94's kitchen window.
11. No 94's kitchen window looks out towards the adjacent side passage, fencing on the common boundary with the appeal site and the side wall of the appeal property. The previous planning permission Ref: 2022/0392 included a large side dormer extension with an extended flank wall at first floor level that would have been situated directly opposite No 94's kitchen window. This part of the development as built on site is similar in scale to what was approved by Ref: 2022/0392. As such, the outlook from No 94's kitchen window when looking directly towards the development will not be materially different to what had already been considered acceptable in the grant of planning permission Ref: 2022/0392.

12. Furthermore, the additional section constructed from the previous plans is towards the rear end of the extended property beyond the location of No 94's kitchen window. Accordingly, the views of the extended part would only be visible from certain angles from the kitchen. Even then, the scale and mass of the additional development is not so dissimilar to what has previously been approved on the side elevation that it justifies refusing planning permission in terms of outlook.
13. I also note that the side passage at No 94 is relatively wide and provides a gap between the two properties that is larger than the general pattern of spacing between dwellings in the area; this is evident from reviewing the information provided by the appellant as well as my own observations when visiting the site and surrounding area. This gap between the two properties helps to further ensure the additional bulk and mass constructed does not appear as unduly oppressive to the extent it unacceptably harms outlook from No 94's kitchen window.
14. The appellant has provided a sunlight and daylight assessment in support of the appeal. However, this is not relevant to the main living conditions issue in this appeal, which is the impact of the development on No 94's outlook from the kitchen window as discussed above.
15. For the reasons given, it is concluded that whilst the additional length would be visible from the side passage and certain angles from the kitchen window, I do not find that it is materially more harmful to No 94's Outlook when compared with what was approved previously in Ref: 2022/0392. As such, the development accords with Policy CS17 of the CS, Policy DM2 of the DMP and guidance within the SPD, which amongst other matters, require development to be designed to offer an appropriate outlook. Finding no material harm in this regard, however, does not outweigh the harm caused to the character and appearance of the area discussed above.

Conclusion

16. For the reasons set out, the development's flat roof side dormer and related roof structure has an adverse impact on the character and appearance of the area. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR