



Appeal Decision

Site visit made on 18 November 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/K3605/W/24/3344021

288 Walton Road, West Molesey, Surrey KT8 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Ullah against the decision of Elmbridge Borough Council.
 - The application Ref is 2023/0703.
 - The development proposed is described as 'polycarbonate roof over corridor. Relocated extract duct on GF roof to connect with existing vertical duct discharging at high level'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the development started on the 1st October 2022. During my visit, I noted that the polycarbonate roof and the extract duct had been installed. In addition, the existing vertical duct had been replaced. The new vertical section of duct is not depicted on the submitted drawings nor is it reflected in the description of development. Therefore, I have considered the appeal on the basis of the description of development and plans before me, which exclude the new vertical duct.
3. Policy CS3 of Elmbridge's Core Strategy 2011 (CS) is referred to in the decision notice. The Council has advised that this is incorrect as Policy CS3 should be Policy CS7. The appellant has identified the mistake and addressed the correct policy. I have therefore considered Policy CS7 in the determination of this appeal. A copy of the policy was not provided with the appeal and therefore I have reviewed the online version of the CS.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of near neighbours, with reference to noise and vibration.

Reasons

Character and appearance

5. The appeal site comprises a commercial unit at ground floor with residential accommodation above. It is positioned within a small, terraced parade of

shops. To the rear, buildings have been extended, with rendered or brick finishes to match the main building and either felt or tiled roofs. Aside from the appeal site there are no other examples of large extraction ducts.

6. The polycarbonate roof is at odds with the tiled and felt roofs on buildings within the terrace, as such it fails to preserve or enhance the character of the area. Instead, the corrugated polycarbonate roof appears as a temporary poorly designed addition, as the material neither complements nor replicates any materials within the terrace.
7. Whilst the roof may be fit for purpose as it provides shelter, the smooth slightly reflective surface can be seen from the windows of the residential accommodation above the commercial units. As such the adverse impact on the character and appearance of the area identified would be notable despite the roof not being visible from local roads. Reference is made to the roof making the previous open corridor tidier, but this does not justify the use of a poor-quality material.
8. The extract duct has been relocated and is now more prominent when viewed from the rear of the site. The relocated duct wraps around the bottom of a window serving the residential accommodation on the outrigger and extends across the roof of the infill extension. Given its length, bulk, position and finish it appears as an incongruous addition to the roof that fails to preserve or enhance the character of the area.
9. Whilst extraction ducts are common features of commercial premises, this does not negate the need for them to be carefully designed and positioned to respect the character and appearance of an area. The system appears prominent in this location as there are no other examples of external extraction systems to the rear of adjacent buildings, and it is particularly large. The appellant considers that the relocated duct is an improvement to the previous system, whilst this may be the case in terms of its functionality, it does not represent an improvement in respect of its appearance.
10. For the reasons given above, I conclude that the development harms the character and appearance of the area. It would therefore conflict with Policy CS7 of the CS and Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (EDMP). These policies require all development to preserve or enhance the character of an area.

Noise and vibration

11. Policy DM5 of the EDMP advises that all new development that may result in noise will be expected to incorporate appropriate attenuation measures to mitigate the effect on existing and future residents. Given the proximity of the duct to windows serving residential accommodation, the Council requested a noise assessment. This has not been submitted.
12. Reference is made to the updated vertical duct being fitted with two silencers, and noise not seeming excessive. The vertical duct does not fall within the scope of this appeal but in any event the evidence before me does not provide information regarding the effect of any attenuation measures or the noise output of the system. Given the proximity of the extract duct to residential windows, a noise complaint and the previous system resulting in noise nuisance, it has not been satisfactory demonstrated that the development

does not give rise to unacceptable noise. In addition, the appellants evidence does not address vibration arising from the use of the system.

13. Within the appellants final comments, reference is made to an acoustic engineer attending the site, who has commented unofficially on the noise emanating from the extraction system. This is anecdotal evidence which is not substantiated and therefore does not demonstrate that the development does not give rise to unacceptable noise.
14. The absence of noise complaints from the occupiers of 288a and the adjacent flat whilst helpful, does not demonstrate that the extraction system does not result in unacceptable levels of noise and vibration.
15. Reference is made to considerable noise arising from the neighbouring shops extractor fan, and it is advised that any noise assessment would not be effective if this fan was in operation. Without technical information demonstrating the impact of the extractor fan, I cannot come to a conclusion on this matter.
16. The appellant has indicated that he would be willing to accept a condition requiring a noise assessment. However, a noise assessment would only establish the noise output of the system, it would not limit noise levels. Moreover, it would not address vibration arising from the use of the system.
17. For the reasons given above, I conclude that it has not been satisfactory demonstrated that the development does not unacceptably affect the living conditions of near neighbours, with reference to noise and vibration. It would therefore conflict with Policy DM5 of the EDMP. This policy amongst other things seeks to ensure that development does not result in unacceptable noise to existing and future residents.

Other Matters

18. Whilst the appellant advises that alternative ways of routing were considered that were not pursued due to cost or practicality, this would not justify a scheme that would harm the character and appearance of the area and the living conditions of near neighbours, with reference to noise and vibration.
19. The appellant has advised that the roof is required for security reasons, but an alternative solution that is more in keeping with the prevailing built form would achieve the same aim. Additionally, being unaware of the need for planning permission and needing to install the development before obtaining permission does not justify the design of the roof or the length, bulk, position and finish of the extraction system.
20. Painting the ducts has been suggested to address the appearance of the extraction system. Whilst this could improve the finish of the ducting, it would not address the length, bulk or position of it.
21. Reference has been made to the possibility of the restaurant needing to close if the horizontal duct and polycarbonate roof need to be removed. However, the principle of a roof over the corridor and extraction system is acceptable, it is the current arrangement that is not. Given that the appellant has not considered an alternative roof material and alternative routes for the duct exist, it seems plausible that the benefits to the appellant could be achieved in less harmful ways.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

V Goldberg

INSPECTOR