



Appeal Decision

Site visit made on 9 December 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/K3605/D/24/3353812

Cheltnam Place, Broom Way, Weybridge, Surrey KT13 9TG

- 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 Leah Bramwell against the decision of Elmbridge Borough Council.
 - The application Ref 2024/1862.
 - The development proposed is a detached garage with rooms in the roofspace and front dormer windows following demolition of existing detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of Oak House, with particular regard to privacy.

Reasons

3. The proposed development would replace the existing garage which is located in front of the house. It would be larger, with accommodation within the roof space served by two dormer windows to the southern roof slope.
4. While the frontages of properties do not have the same level of privacy as the rear, they are generally oriented to face towards the road, and consequently, the outlook is forward with only obscure angle views over the neighbour's front garden. The properties along Broom Way follow this form and are set some distance back from the road with landscaping to the front boundaries. Therefore, any sense of reduced privacy derived from passersby in the public realm or mutual overlooking from neighbours is unlikely to be significant.
5. Located at a corner, the appeal property and its immediate neighbours have splayed plots which are narrower towards the front. Both Cheltnam Place and Oak House have garages to the front, although these are not a common feature along the road, and they are both single-storey buildings.
6. The proposed garage in this forward position with an increased height and massing would be orientated towards the neighbour. This would introduce a direct sightline between the proposed dormer windows and the existing windows to the front elevation of Oak House.
7. The Elmbridge Local Plan: Design and Character Supplementary Planning Document (SPD) refers to a notional degree of visual privacy being achieved

through a distance of about 22m. While this is referenced in relation to rear to rear elevations, there would be intervisibility between windows serving habitable rooms with the separation substantially below that distance.

8. There is an existing high hedge along the shared boundary, which provides screening; however, this is not a permanent structure and is not planted within the appeal site. As such, I agree with the Council that its retention cannot be relied upon, and as the windows are to the first floor, they are positioned higher than standard boundary treatments.
9. In conclusion, the proposed development would have a harmful impact on the living conditions of the occupiers of the Oak House through overlooking. Therefore, the proposal would fail to accord with policy DM2 of the Elmbridge Local Plan – Development Management Plan 2015 and the SPD. Together and amongst other things, these seek that all development achieves high-quality design having regard to the prevailing pattern of development, separation distances, and protects the amenity of adjoining occupiers, including privacy.

Other Matters

10. I accept that localities evolve over time, and as I observed on my site visit, many of the properties, including the appeal property, have accommodated extensions and alterations. The Council found that the proposal would be appropriate for the character of the area. Nonetheless, it is the positioning of the windows and the relationship with the neighbouring property which makes the design unacceptable.

Conclusion

11. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR