



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/24/3352613

36 Pennington Drive, Weybridge KT13 9RU

- 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 & Mrs Powell against the decision of Elmbridge Borough Council.
 - The application Ref 2024/1460.
 - The development proposed is for a two-storey side extension, first-floor side extension, rooflights, conversion of garage into living space and alterations to fenestration.
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Decision

1. The appeal is allowed, and planning permission is granted for two-storey side extension, first-floor side extension, rooflights, conversion of garage into living space and alterations to fenestration at 36 Pennington Drive, Weybridge KT13 9RU, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on: - i) the living conditions of the occupiers of Nos.11 and 11a Castle Road; and ii) trees.

Reasons

3. No.36 is a detached two-storey property located at the end of the cul de sac. It has a single storey garage to the southeastern side adjacent to No.38. To the other side, it shares a boundary with the rear gardens of properties on Castle Road. These properties have a perpendicular arrangement to the appeal site with the rear elevations facing towards the flank elevation (northwest) of the appeal property.
4. Planning permission has been granted for a similar proposal (Council reference, 2023/0578) which includes the conversion of the garage and extension above but would have a single-storey extension to the northwest side, and the two-storey extension would only extend off the rear elevation. This proposal seeks an alternative design which would widen the two-storey element and extend it partially along the side elevation.
5. In line with the Council's Design and Character Supplementary Planning Document Companion Guide : Home Extensions (SPD), the proposed two-storey extension would be off-set from the boundary by at least 1m, and the rear projection would be no more than 3m. It would also have a subservient form set down from the main ridge with a hipped roof.

6. The SPD does not set out any specific separation distances between flank and rear elevations. A distance of 15m is referenced with regard to two-storey extensions for the application of the 45-degree test relating to light, it does not however, imply that no development can take place within that proximity, and the alignment is not the typical side-by-side arrangement for the application of the angle taken from the neighbour's window.
7. From the plans and my observations on site, there is a mutual level of proximity and overlooking between the properties in this area. Generally, garden lengths are approximately 11 to 12m, which accords with the minimum length of gardens sought in the SPD and correlates with the 22m rear-to-rear visual privacy distance.
8. The proposal would increase the depth and massing of the side elevation, but it would be a blank façade. The positioning of the extension is effectively between Nos. 11 and 11a Castle Road and it would not extend the full length of either rear boundary. There is also an extant consent for a rear projection of a greater depth, albeit set further away from the boundary.
9. Drawing all these elements together and given the design and siting of the proposed side extension, which extends approximately 1.7 meters beyond the existing flank, I conclude that the resultant decrease in separation distance would be unlikely to create an excessively overbearing impact or materially diminish the light availability to the properties located on Castle Road
10. The proposal would therefore not result in undue harm to the living conditions of the occupiers of the neighbouring properties and would accord with policy DM2 of the Elmbridge Local Plan, Development Management Plan 2015 (DMP) in so far as it protects the amenity of adjoining occupiers and seeks to ensure development are designed to offer appropriate outlook and adequate daylight, sunlight and privacy.

Trees

11. The Council's decision notice also included a reason for refusal relating to insufficient arboricultural information. The appellant has provided further details in the Arboricultural Impact Assessment and Preliminary Method report submitted as part of the appeal. Additionally, planning permission has already been granted for extensions around the property, including along the side elevation.
12. From the information before me, the proposed development would not directly impact the trees to the rear covered by a Tree Preservation Order. Some small-scale removal and pruning are proposed for other category 'C' trees, but otherwise, the scheme seeks to protect the existing vegetation. The provision of tree protection measures and the working methods can be secured by condition to ensure compliance with the submitted details and the British Standards.
13. As such, I find that the proposal would ensure that the key arboricultural features are protected and therefore the development would accord with DMP policy DM6 which requires that proposals do not result in a loss of, or damage to, trees and hedgerows that make a significant contribution to the character or amenity of the area and protect existing trees during construction.

Other Matters

14. Some of the measurements set out in the Council's officer report in relation to the separation distances appear to be inaccurate. I find the figures noted in the comments from the neighbour to be more representative. However, this discrepancy does not alter my overall findings, which are based on all the information before me and the scale and design of the proposed development shown on the elevation and floor plans.

Conclusion and Conditions

15. I therefore conclude that the appeal should be allowed, subject to conditions to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty. I have also imposed a condition requiring the materials of the approved development to match the existing property in the interests of the character and appearance of the area.
16. Additionally, as noted above, a condition to secure the arboricultural details is required to protect the retained trees.
17. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR

Schedule of Condition

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out with the following plans: Location Plan dated 03.06.2024, Proposed and Existing Site Plans - 36PD_000 Rev A, Existing Plans - 36PD_001 Rev A, Proposed Elevations - 36PD_004 Rev C and Proposed Plans - 36PD_007 Rev B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No site clearance, preparatory work or development including groundworks shall take place and no equipment, machinery or materials brought onto the site until the tree protection measures have been installed in line with the approved tree protection plan and are suitably fit for purpose (in accordance with British Standard BS5837 Trees in relation to design, demolition and construction - Recommendations or in an equivalent British Standard if replaced). The tree protection measures must be maintained throughout the course of the development and all tree works shall be carried as approved in the Arboricultural Impact Assessment & Preliminary Method Statement - MDJAC-BS24101-AIAPMS-01.