



Appeal Decision

Site visit made on 7 January 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/K3605/D/24/3349866

10 Buckingham Gardens, West Molesey KT8 1TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Alexander James Callegari against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/0845.
 - The development proposed is erection of single storey front, side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted plans appear inaccurate, particularly in terms of the form of the proposed roof to the rear extension. The Council has also noted this same matter. On the basis of all the information before me, albeit not shown on the west side elevation plan, it is my understanding that it is intended that there would be a pitched roof over the proposed rear extension. I have determined the appeal on this basis. Similarly, it is also not completely clear how the roof pitch over the rear extension would meet and join the roof pitch over the side extension.
3. The National Planning Policy Framework (Framework) was revised in December 2024. I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the existing property and on the street scene, and
 - The effect of the proposal on the living conditions of the neighbours at No 11 Buckingham Gardens, with particular regard to loss of outlook.

Reasons

- ***Character and Appearance***

5. The appeal property is an end of terrace, modest two storey dwelling on the south-west side of Buckingham Gardens and north of Victoria Avenue, with pedestrian access at the front and vehicular access to the rear. The side of the property is along a cul de sac spur of Victoria Avenue. The appeal property is in a predominantly residential area, with two and three storey terraces many with pedestrian access from one side and vehicular access from the other. There are higher rise flatted developments to the west of the appeal property together with a large foodstore.
6. The design of the terrace containing the appeal property, and repeated elsewhere in the local area, are flat fronted with small projecting porches to the front. This repetition of design along short terraces is, with a very small number of exceptions, part of the predominant pattern of development in the local area.
7. The proposal would seek to extend across the front to the same depth as the existing porch under a flat roof and then wrap a single storey extension along the side under a pitched roof with a single storey rear extension under a pitched roof, which would extend the full width of the plot.
8. The infilling at the front of the property together with the loss of the small projecting porch would be a discordant addition to the scale and proportions of the existing dwelling. This would be exacerbated with the proposed continuation of the forwards projection of the same depth to the side which would further disrupt the scale and proportions of the existing dwelling. Furthermore, it would upset the rhythm of the terrace which is characterised by properties of the same width which are all flat fronted with small projecting porches.
9. A side extension of the height and width proposed along the side of the existing property would be a modest addition, but its projection forwards of the property would be out of character with the existing form of the dwelling and the terrace, as set out above. I also consider that there would be an awkward junction between the flat roof proposed across the front of the property and the pitched roof behind. This would further detract from the character and appearance of the existing dwelling and of the terrace and in turn of the local area. As already raised, I also consider that the awkward joining of the pitched roof over the proposed side extension and the rear extension would be a discordant feature that would detract from the character and appearance of the property and would also be an uncomfortable feature in street scene views.
10. There would be no objection to a proposed rear extension of the depth and eaves height proposed, when taken on its own. However, when taken all together, the rear extension across the full width of the property, together with the side extension and front extension would overwhelm the scale and proportions of the existing property and would detract from the street scene.
11. I therefore conclude that the proposed extensions, taken together, would harm the character and appearance of the existing property as well as the street scene. This would conflict with Policy CS17 of the Council's Core Strategy (2011), Policy DM2 of the Council's Development Management Plan (2015) (DM Plan), the Council's

Design and Character SPD (2012) (SPD) and the Framework, and in particular Section 12, all of which, amongst other matters, seek a high standard of design which respects the local context.

12. The Appellant has drawn my attention to other developments which have been undertaken in the local area which I also saw on my site visit. Each proposal must be assessed on its individual merits but in so far as the information has been made available to me, I have taken them into account. However, these extensions and alterations are not widespread and are not characteristic of the predominant pattern of development in the local area. None of them appears directly comparable with the proposals before me. The side extensions to which my attention has been drawn, for example, appear to be the same depth as the existing properties and do not extend further forward. I am not therefore persuaded to a different view in respect of the proposals before me.

- ***Neighbouring Living Conditions***

13. The properties have modest rear garden spaces with garages and outbuildings at the end of the gardens. The proposed extension would be built up to the shared boundary with No 11. Notwithstanding the modest proposed eaves height of the rear extension, the combination of the depth together with the height of the pitched roof alongside the shared boundary between the appeal property and the neighbouring property at No 11 would result in a solid mass of development along the boundary. Given the modest scale of the rear gardens I consider that this would have an enclosing and overbearing effect for the neighbours in terms of outlook from rear facing windows and from within their rear garden. This would materially harm the living conditions of the neighbours at No 11.
14. I therefore conclude that the living conditions of the neighbours would be materially harmed as a result of the proposal, with particular regard to loss of outlook. This would conflict with Policy DM2 of the DM Plan, the SPD Companion Guide: Home Extensions (2012) and the Framework and in particular paragraph 135, all of which amongst other matters seek a high standard of design which respects the amenities of adjoining occupiers.
15. Given the depth of the proposed extension together with its siting, there would also be some loss of light to the kitchen window at No 11. However, given the orientation of the properties I do not consider that the loss of light, on its own, would be a justification to withhold planning permission.
16. The Appellant has referred to permitted development rights and drawn my attention to two appeal decisions under the references APP/K3605/D/21/3269079 and APP/K3605/D/20/3248851 where the Inspectors found that the living conditions of neighbours would not be materially harmed from the proposed rear extensions before them. Whilst there would appear to be some similarities with the proposal before me, the roof forms were different and in the particular circumstances of this case they do not therefore persuade me to a different conclusion. I have taken into account the permitted development rights referenced by the Appellant and although the dimension differences are relatively small, in the context of the scale of the existing properties and their modest rear gardens they do not override my findings.

Conclusion

17. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR