



Appeal Decision

Site visit made on 14 January 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/K3605/D/24/3348431

88 Queens Road, Hersham, Walton-on-Thames, Surrey KT12 5LN

- 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 Christoph Brintrup against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/0344.
 - The development proposed is described as "two storey side extension, single storey side extension as well as dormer windows to the rear and front of the building".
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Decision

1. The appeal is allowed and planning permission is granted for roof extension incorporating rear and front dormer windows, part two/part single-storey side extension incorporating integral garage and side rooflight at 88 Queens Road, Hersham, Walton-on-Thames, Surrey KT12 5LN in accordance with the terms of the application, Ref 2024/0344, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos Planning Portal Reference PP-12798261v1, PL-012 revision A, PL-015 revision A and PL-017 revision A.
 - 3) The extensions hereby permitted shall not be occupied until the windows at first floor level in the proposed side (east) elevation have been fitted with obscured glazing as shown on the approved plans. The glazing should accord with level 3 obscurity as shown on the Pilkington textured glass privacy levels. No part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Thereafter, the windows shall be retained as such.

Preliminary Matters

2. The description of development in the header above is taken from the planning application form. The Council's decision notice and the appeal form give a revised description as set out in my decision. No injustice would be caused by basing my assessment on the amended description as it has been used by both main parties.
3. The Council's refusal reason refers to the effects of the development on the living conditions of occupants of the neighbouring property, 86 Queens Road (No 86). On my site visit I saw that the dwelling at No 86 had been demolished. I have sought the main parties' comments on this apparent

change in circumstances since the Council issued its decision and I have had regard to the responses in my assessment of the appeal.

4. A revised version of the National Planning Policy Framework (the Framework) has been issued since the appeal was lodged. There is no need to seek the main parties' comments on the amended document as the parts of the Framework most relevant to this appeal remain largely unaltered.

Main Issue

5. In light of the Council's refusal reason and comments from interested parties, I consider the main issue is the proposal's effect on the living conditions of the occupiers of nearby residences.

Reasons

6. The appeal property is a detached dwelling in a residential street. The proposed side extension would lie between the flank wall of the main part of the house and the side boundary with No 86. Consequently, the proposed addition would be clearly visible from the adjoining plot.
7. The Council's original concerns relate to how the proposed extension would affect the outlook from a bedroom window in the side of No 86. However, the neighbouring dwelling has been demolished and so the bedroom window no longer exists.
8. I am advised of an extant planning permission for the construction of a pair of semi-detached dwellings on the land at No 86. It would appear that groundworks on the construction of this development have commenced and so it is fair to assume it would be completed.
9. Plans for the scheme on the neighbouring plot indicate 2 ground floor windows in the flank elevation of the house facing the appeal site. However, these would be secondary windows that serve rooms with main windows either in the front or the rear elevations. As such, I agree with the Council's opinion that any overbearing or overshadowing effects of the appeal proposal on these ground floor windows would not unduly harm living conditions at the house under construction. Moreover, the proposed extension would have a pitched roof sloping away from the side boundary so it would avoid a significant overshadowing to first and second floor windows in the flank wall of the new house. These upper floor windows would be obscured glazed and so there would be no meaningful loss of outlook.
10. An interested party has raised concerns regarding overlooking onto 8A Burlea Close (No 8A) from windows in the rear elevation and roof slope of the proposed development. However, the views from the proposed fenestration would be similar to those from existing first floor windows and from a dormer in the rear of the appeal property. Also, the significant separation distance between the proposed windows and the rear boundary would ensure no intrusive loss of privacy to No 8A.
11. I see no reason why the proposal would be detrimental to any other residence. As such, I conclude the development would avoid unacceptable harm to living conditions for occupants of nearby dwellings. In these regards, it would accord with policy DM2 of the Elmbridge Local Plan Development Management Plan

2015. Amongst other things, this policy seeks to ensure proposals protect the amenity of adjoining and potential occupiers of property.

Conditions

12. I have considered the conditions suggested by the Council in light of pertinent advice as set out in the Framework. A condition that requires the development to be carried out in accordance with the approved plans is included for reasons of clarity. Only drawings that show the proposed development have been referred to in the condition. I have imposed a condition that requires obscure glazing to side-facing windows in the extension to ensure no intrusive loss of privacy to the occupants of the nearby house under construction. There is no need for the suggested condition on external materials as sufficient details are included on the approved plans.

Conclusion

13. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR