

Appeal Decision

Site visit made on 20 February 2025

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/K3605/D/24/3357214

Langford, Raleigh Drive, Claygate, Esher, Surrey KT10 9DE

- 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 Jonathan Hunter Lobb against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2185.
 - The development proposed is alterations and extensions to existing single-storey bungalow to create a two-storey dwelling following partial demolition of existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which is more concise than the application form.

Main Issue

3. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

4. The appeal property is a detached single storey dwelling in a rectangular plot set behind dwellings fronting Raleigh Drive. The bungalow form is unusual as properties abutting and generally within the locality are of two storeys with variety in age and design. The proposal is as described above.
 5. The concern with respect to living conditions raised by the Council relates to actual and perceived overlooking and loss of privacy to the occupiers of the dwellings which have gardens abutting at right angles to the appeal property's front (west) and rear (east) boundaries. The Council appears to imply that all windows on the pertinent elevations at the upper level would be culpable.
 6. For my part I would not take such a sweeping approach. I would consider that the planned northernmost first floor windows on the front and rear elevations would be most proximate to ends of relevant gardens and thus be sufficiently removed from the most sensitive parts of the outside amenity space nearest Raleigh House and The Lodge dwellings, as well as from their rear elevations. This separation would mean that they would not result in undue impingement. The two upper central small obscure glazed windows and the small frosted glass one facing south would be benign in terms of neighbours' living conditions. However, the two bedrooms which would have west and east facing first floor
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windows in the southern part of the proposed structure would, I deem, give rise to exactly the residential amenity issues set out by the Council. These two substantial windows serving bedroom accommodation would be too close to the parts of those neighbouring gardens which ought to have good degrees of privacy and have a lesser sense of being overlooked, as well as being too close to the relevant rear elevations. The nature, scale, height and position of these two proposed windows would be harmful, running contrary to the level of amenity which would reasonably be expected by neighbours in this good quality residential environment.

7. Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (LP) seeks to ensure that development does not have any undue adverse impact on living conditions at adjoining properties. This is reflected within the Council's Design and Character Supplementary Planning Document 2012 (SPD) albeit that publication cannot be expected to cover every eventuality. I conclude that this proposal would conflict with LP Policy DM2 and the objectives of the SPD on the matter of residential amenity.

Other matters

8. I understand the wish to enlarge this dwelling and appreciate that the scheme would bring benefits to occupiers. I can see that the Appellant has made attempts to overcome a range of previous concerns via design and scale changes as well as planned landscaping. I note the recognition of the Council in favour of the Appellant on matters such as massing and development scale, flood risk, overshadowing, trees and biodiversity and for the reasons the Council gives I would concur on these factors. However, having carefully considered these and all points raised by the Appellant I conclude that the matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. The National Planning Policy Framework has been considered and the development plan policy and SPD which I cite mirror relevant objectives within that document.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR