



Appeal Decision

Site visit made on 30 April 2025

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/K3605/D/25/3363271

9 Fairlawn Close, Claygate, Esher, KT10 0EN

- 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 Richard Howie against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/3262.
 - The development proposed is described as part two/part single storey rear/side extension incorporating rear balcony and rear canopy, first-floor front extension, side rooflight, front porch and alterations to fenestration following partial demolition of existing house.
-

Decision

1. The appeal is allowed and planning permission is granted for part two/part single storey rear/side extension incorporating rear balcony and rear canopy, first-floor front extension, side rooflight, front porch and alterations to fenestration following partial demolition of existing house at 9 Fairlawn Place, Claygate, Esher, KT10 0EN in accordance with the terms of the application, Ref 2024/3262 and the plans submitted with it, 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 the following approved plans and document: 23420-FA-XX-01-DR-A-01101-P3, 23420-FA-XX-ZZ-DR-A-00301-P0, 23420-FA-XX-ZZ-DR-A-00302-P0, 23420-FA-XX-00-DR-A-00100-P0, 23420-FA-XX-02-DR-A-01102-P2, 23420-FA-XX-XX-DR-A-00001-P0, 23420-FA-XX-ZZ-DR-A-01301-P3, 23420-FA-XX-ZZ-DR-A-01300-P3, 23420-FA-XX-ZZ-DR-A-00201-P0, 23420-FA-XX-02-DR-A-00102-P0, 23420-FA-XX-XX-DR-A-00010-P0, 23420-FA-XX-00-DR-A-01100-P3, 23420-FA-XX-ZZ-DR-A-00200-P0, 23420-FA-XX-XX-DR-A-01010-P3, 23420-FA-XX-ZZ-DR-A-00300-P0, 23420-FA-XX-ZZ-DR-A-01200-P2, 23420-FA-XX-ZZ-DR-A-01302-P3, 23420-FA-XX-01-DR-A-00101-P0 and Flood Risk Assessment.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall adhere to those stated on the planning application form.
 - 4) All flood mitigation measures shall be carried out in accordance with the approved details set out in the flood risk assessment details received by the local planning authority on 17 Dec 2024.

- 5) Prior to occupation of the development hereby permitted, a personal flood plan, including an escape/egress route, shall be submitted to and approved in writing by the local planning authority.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. Fairlawn Close is a private residential cul-de-sac that comprises eight individually designed two storey detached houses set within a mature landscaped garden setting. Most of the dwellings appear to have been enlarged with a variety of modern and traditionally designed side, rear and roof extensions. They display a mixture of external materials including red and brown roof tiles, grey concrete roof tiles, white painted render, red and buff coloured bricks and timber cladding. This contributes to the varied and informal character and appearance of Fairlawn Close.
4. The dwellings in Fairlawn Close are screened from St Leonards Road by a row of semi-detached houses. A tall evergreen hedge and trees which run along the boundary between Fairlawn Close and Nos:37, 39 & 41 St Leonards Road provide further screening between the two roads. The hedge, together with the dwelling and tall boundary fence at 1 Fairlawn Close (No.1), are prominent within the first part of the cul-de-sac. The appeal dwelling is visible from the street scene after the first bend in the highway, where it appears modest in size and form and is partially screened by the mature hedge/trees and the fence at No.1.
5. The appeal dwelling is currently one of the smaller dwellings in Fairlawn Close. It is traditionally designed with part rendered, part brick and part timber clad walls under a slate grey coloured concrete tiled roof. The dwelling includes side and front catslide features and bay windows to the front and rear. Just to the north of the appeal dwelling are several mature evergreen trees which are in a state of decline and have a degrading impact on the setting to the appeal dwelling. To the north of the appeal Property is a row of traditionally designed semi-detached houses with large mature landscaped rear gardens and to the rear of the appeal site is a modern housing estate where the dwellings have simple and uncluttered elevations and roofs.
6. Together and amongst other things policy CS17 of the Elmbridge Core Strategy 2011 and policy DM2 of the Elmbridge Development Management Plan 2015 require new development to deliver high quality design. It should maximise the efficient use of land whilst responding to the positive features of individual locations. Developments should preserve or enhance the character of the area, with particular regard to appearance, scale, mass, height, topography, buildings patterns and the character of the host building.
7. Paragraph 135 of the National Planning Policy Framework 2024 (the Framework), states that proposals should function well and add to the overall quality of the area. They should be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.
8. The Council's Design and Character Supplementary Planning Document Companion Guide: Home Extensions (SPD), applies to proposals submitted prior to 6 January 2025. SPD Paragraph 1.10 advises that extensions should

- achieve an appropriate relationship with the existing house and harmonise with the street scape. Consideration should be given to existing proportions.
9. With the proposal the size and in particular the width and mass of the appeal dwelling would be materially increased. This together with the use of white painted render and slate tiles would result in the dwelling having an uncluttered modern appearance. Notwithstanding this, the resultant dwelling would retain a hipped roof, front projecting gable, fenestration that would respect the host dwelling and a pitched roof porch. The overall proportions and appearance of the front elevation would respect the host dwelling. Due to the depth and form of the pitched roof, the proposed crown roof would be visually discrete. It would blend into the roofscape of the locality.
 10. When entering Fairlawn Close, No.1 and the mature hedge would remain the prominent features. When approaching the appeal dwelling it would reflect the size and contribute to the existing individuality of the dwellings within Fairlawn Close. Whilst the existing trees to the side of the host dwelling would need to be removed, they do not screen the dwelling within the street scene. Also, as stated in paragraph 5 above they are declining and have a visually degrading impact. The trees to the rear of the dwellings in St Leonards Road do partially screen the appeal dwelling and would screen the proposed side extension. These trees will not be affected by the proposal.
 11. The rear elevation of the resultant dwelling would have a more contemporary appearance. However, the proportions of the two storey gable canopy and balcony would respect the traditional proportions of the dwelling and the size of the proposed front gable. It would also face towards the modern housing estate to the rear of 5 to 9 Fairlawn Close. The ground floor canopy and glazing would be visually simple and uncluttered and would respect the proportions of the host and resultant dwelling. They would be largely screened from the wider rear garden environment by boundary fencing and planting.
 12. For these reasons the resultant dwelling would achieve an appropriate relationship with the host dwelling. It would respect and blend in readily with the street scene and be readily assimilated into the rear garden environment.
 13. Finally, the council has suggested the imposition of conditions relating to flood resilience and adherence to the submitted drawings. These conditions are necessary to ensure the proposal is flood resilient and in the interests of certainty. The council has also suggested the imposition of a condition which requires the external materials to be used to match those of the host dwelling. As stated on the application form the roof would be clad with slate, the walls would be rendered and the fenestration would match the existing. Thus, instead I propose a materials condition that reflects this and to which neither the appellant nor the local planning authority has raised any concerns.
 14. I conclude on the main issue that the proposal would respect the host dwelling and the surrounding area. Accordingly, it would comply with CS Policy CS17, LP Policy DM2, the SPD and paragraph 135 of the Framework.

Other matters

15. The appeal dwelling occupies a good sized plot within a spacious mature landscaped rear garden environment. Due to its setting and juxtaposition to other dwellings it would not have an unacceptable overbearing visual impact on the outlook from the adjacent properties.
16. With regard to privacy, the proposed balcony would have solid sides; would look out over a mature landscaped rear garden environment; and would be sited at an angle to nearby dwellings. The proposed window on the southern elevation would replace an existing window of the same size and in a similar position. The proposed roof light on the northern roof slope would be positioned in excess of two metres above the floor level of the bathroom it would serve.
17. For these reasons the proposal would not result in an unacceptable loss of privacy for the occupiers of the adjacent dwellings. There would be no need to impose a condition requiring the proposed side window and roof light to be obscure glazed or to have restricted opening.

Conclusion

18. Having regard to the conclusion on the main issue and all other matters raised the appeal is allowed.

Elizabeth Lawrence

INSPECTOR