



Appeal Decision

Site visit made on 9 June 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/K3605/D/25/3363624

55 Foley Road, Claygate, Esher, Surrey KT10 0LU

- 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 Jenny Walker against the decision of the Elmbridge Borough Council.
 - The application Ref is 2025/0168.
 - The development proposed is described as a first floor extension to the rear addition including the creation of a balcony; a two storey extension projecting from the front elevation with gable roof to create a new main entrance; alterations to fenestrations and openings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host property and area in general; and (ii) the living conditions of occupiers of No. 57 Foley Road.

Reasons

Character and Appearance

3. The appeal property is within a predominantly residential area which has various designs of residential properties. The appeal property is a large, detached property. Some properties in the area have been altered or extended historically, including the appeal site.
4. The proposed alteration to the front of the property would provide a two-storey central gable projection with ground floor front door to the elevation facing the highway, the current main entrance is to the side of the property. Whilst a modern addition this feature would balance the property and would not be out of keeping with the diversity of properties in the area.
5. The proposed rear first floor extension would increase the mass of the existing property, creating a bulky elongated built form which would not be sympathetic to the existing property.
6. Whilst there are different designs of properties in the area, the proposed rear extension would be disproportionate to the existing dwelling. Due to the orientation of No. 57 Foley Road to the appeal site and the gaps between the appeal property

and No's 53 and 57 the proposed rear extension would be a dominant addition and incongruous to the streetscene.

7. The appellant has provided a street scene analysis detailing plot sizes, footprints and coverage of properties in the immediate area in an attempt to demonstrate that the proposed development would not be bulky. Even though other properties in the area may have more plot coverage in terms of their built form I am not persuaded that this analysis demonstrates that the proposed development would not be bulky.
8. I find that the development would harm the character and appearance of the host property and area in general.
9. In relation to the main issue relating to character and appearance the proposed development would conflict with Policies CS11 and CS17 of the Elmbridge Core Strategy (2011) (the Core Strategy), and Policy DM2 of the Elmbridge Local Plan, Development Management Plan (2015) (the Local Plan), which amongst other things seeks to support well-designed, high-quality development which preserve or enhance the character of an area.
10. There is also conflict with the National Planning Policy Framework (2024) (the Framework) and the National Design Guide which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

11. No. 57 Foley Road is to the west of the appeal site; there is a shared garage building between the properties, to the front of No. 57's built form. The proposed rear extension would cover the existing ground floor extension and encompass a slight projection beyond to incorporate the first-floor balcony.
12. Given the oblique angle that No. 57 is orientated in relation to the appeal site the front extension would not harm the living conditions of occupiers of No. 57.
13. The Council asserts that the front of No. 57 is the east elevation facing towards the appeal site. Whilst landscaping is present between the properties along the shared boundary, the large expanse of the proposed first floor rear extension would be dominant in terms of the views afforded from windows facing the appeal site and from the garden area in front of the Council's defined front elevation. I find that due to the mass and proximity the resulting development would be overbearing to the occupiers of No. 57.
14. Windows are proposed in the first-floor west elevation facing No. 57 serving an ensuite, linen room and office. The office could be utilised for working at home potentially for a number of hours a day, the window if fixed and obscurely glazed would provide a poor-quality living accommodation. Notwithstanding this whilst these windows could be obscurely glazed and fixed which could be controlled by the imposition of a planning condition there would still be a sense of being overlooked due to the proximity of the proposed development in relation to the neighbouring property. I find the proposed works would harm the privacy currently enjoyed by the occupiers of No. 57.
15. In relation to the main issue relating to the effect of the proposed development on the living conditions of occupiers of No. 57 Foley Road, there is conflict with Policy DM2 of the Local Plan and to the advice provided by Design Code (2024) which seeks amongst other things to protect the amenities of existing properties.

Other Matters

16. The appellant contends that the Council failed to consider policy DM1a relating to the presumption in favour of sustainable development. I note that this policy is referenced in the Planning Officer Report, I have not been provided with substantive evidence to demonstrate that this policy was not considered. Notwithstanding this it can be seen from my reasons above that the proposed development conflicts with planning policy in terms of the main issues.

Conclusion

17. For the above reasons I conclude that this appeal should be dismissed.

Chris Pipe

INSPECTOR