



Appeal Decision

Site visit made on 12 June 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/K3605/D/25/3364737

17 More Lane, Esher, Surrey KT10 8AJ

- 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 Paul Prince against the decision of Elmbridge Borough Council.
 - The application Ref. is 2024/3199.
 - The development proposed is described as an existing garage enlargement with an additional upper loft storey and dormers.
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Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issues

2. The description of the proposal on the application form and as referenced in the header above refers to enlargement of the existing garage, whereas the submitted plans indicate its demolition and a re-build.
3. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and the surrounding area and (ii) whether the building could reasonably be regarded as being ancillary to the host dwelling.

Reasons

4. No.17 More Lane is a substantial dwelling set back from the road on a large plot in terms of both its width and depth. No. 15 to the south is similar in these respects, albeit with a very different design. Additionally, whereas No. 17 has a narrow garage, workshop, and storage area as a lean-to timber structure against the high brick boundary wall and set for the most part rearwards of the house, No. 15 has larger and more visible side additions on the same front building line as the dwelling.
5. The appeal scheme seeks to replace the existing timber outbuilding with a building on much the same footprint but comprising brick walls and a slate roof. On the ground floor this would accommodate a garage and gym at the front, whilst to the rear would be an entrance hall and a kitchen / living area.
6. On the first floor there would be two double bedrooms with en-suites, and with six dormers to facilitate their use. I have noted the evolution of the scheme through a Pre-App Enquiry and that some amendments were subsequently made to address concerns as to the height and size of the crown roof.

7. Nonetheless, the scheme remains one of a significant amount of residential accommodation in a building which, on the Council's figures, would have a footprint of over 10sqm more than the host dwelling. The height of the building would line in with the eaves of the house and the siting would remain set well back from More Lane.
8. Applying these considerations to the first main issue, the large size of the structure and its design, in particular the dormers, represents a significant change from the inherently subservient 'outbuilding' character and appearance of the existing garage and workshop.
9. As such, the proposed building would be somewhat incongruous, but as the main dwelling has no heritage considerations and benefits from a large and secluded garden, any harm caused would be limited. I note that the Council also agrees insofar as the appraisal in the Officer's Report finds that the building would cause 'no visual harm' when viewed from No. 15 or the streetscene.
10. Accordingly, notwithstanding my reservations as to the size of the outbuilding and its design, because of the set-back position from More Lane and close juxtaposition with even larger buildings at the side of No. 15, I see no necessity for precluding the scheme under main issue (i) because of any material effect on the character and appearance of the area.
11. Turning to main issue (ii), the Officer's Report in paragraph 11 refers to Policy DM10 of the Elmbridge Development Management Plan 2015 ('the Local Plan') stating that freestanding units of ancillary accommodation which can demonstrate they are genuinely ancillary to the occupation of the main house will be considered in the light of the character and amenities of the area. Paragraph 12 of the Report goes on to describe the proposed accommodation and its facilities on the lines I have already set out in paragraph 5 above.
12. The appellant argues that the outbuilding would be subservient because its crown roof would be lower than the eaves of the existing dwelling. However, I agree with the Council's view that the floorspace and the extent of facilities to be provided *'raises concerns about the proposed use being truly ancillary and the reasonableness of such use'*.
13. The two double bedrooms with en suites and a separate WC suggest a capacity of up to four occupiers at any one time. And with catering facilities in a kitchen / living room; a driveway that can be shared, and a side gate that allows access to the building without going through the main house, the independent use of the building is entirely feasible.
14. I acknowledge that a condition restricting the use to ancillary purposes can be imposed, but the planning system is not geared up to inspections unless a complaint is received and this often allows a long -term breach of planning control and difficulties with long term enforcement. The appellant has not provided information as to why this extent of accommodation and dining facilities are required but, in any event, I must evaluate the appeal scheme for its use in perpetuity rather than just by the current owners.
15. For clarification, it is not cooking facilities in themselves that are the problem, as Case Law has established that even with a proposal for a 'granny annexe' they are not necessarily precluded. However, the appeal scheme's combination of the size

of the outbuilding, the two double bedrooms, and the kitchen facilities does provide the potential for the building to be used independently rather than as ancillary to the main dwelling.

Conclusions

16. On the first main issue, I find on balance that the proposal would not unacceptably harm the character and appearance of the area in conflict with Local Plan Policy DM2 and Policies CS9 & CS17 of the Elmbridge Core Strategy 2017 or with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework, revised December 2024. However, on the second issue, whether the building could reasonably be regarded as ancillary to the host dwelling, I am not satisfied from the evidence before me that the development would be compliant with section e: 'Ancillary Accommodation' of Local Plan DM10. I am also doubtful as to the long-term efficacy of a condition restricting the use of the building.
17. For these reasons, the appeal fails.

Martin Andrews

INSPECTOR