



Appeal Decision

Site visit made on 25 June 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/K3605/D/25/3364535

2 Seymour Road, East Molesey KT8 0PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Nottage against Elmbridge Borough Council.
 - The application Ref is 2024/2889.
 - The application sought planning permission for single storey rear extension and alterations to fenestration following demolition of outbuilding without complying with a condition attached to planning permission Ref: 2019/2801 dated 06/03/2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 2.6, 3.6, 5.6, received on 04 October 2019, (Un-named & un-numbered) Proposed Site Plan, 1.6, 4.6, received on 26 February 2020.
 - The reason given for the condition is: To ensure that the development is carried out in a satisfactory manner.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and alterations to fenestration following demolition of outbuilding at 2 Seymour Road, East Molesey KT8 0PF in accordance with the application Ref: 2024/2889, without compliance with condition numbers 1, 2 and 3 previously imposed on planning permission Ref: 2019/2801 dated 06/03/2020 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1.6A, 2.6A, 3.6A, 4.6A, 5.6A, location plan.
 - 2) All flood mitigation measures shall be carried out in accordance with the approved details set out in the Flood Risk Assessment, received on 11 November 2019, Agent's Comments and Personal Flood Plan, received on 26 February 2020 in relation to permission 2019/2801 dated 06/03/20.

Preliminary Matters

2. Planning permission was granted by the Council in March 2020 for a single storey rear extension under the Ref: 2019/2801. The extension has been completed but it has come to light that there is a discrepancy over the height of the extension as constructed versus the approved plans. There have also been a number of other changes including the installation of two flat roof lights (replacing a pitched roof

lantern) and installation of triple glazed pre-finished aluminium bi-fold doors to the rear elevation (replacing UPVC double glazed doors). The Council has raised no issue with the changes to the roof lights and to the doors and from my site visit I have no recent to take a different view.

3. As the extension has been completed, both the Council and the Appellant agree that the application seeks retrospective permission to vary the approved plans. It is therefore an application under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted. The relevant condition is No 2 which lists the approved plans.
4. There are references to a previous retrospective application for the scheme under Ref: 2023/23512 which was refused permission by the Council. However, my decision is based on the appeal before me.

Main Issue

5. The main issue in this appeal is the effect of the scheme as built on the living conditions of the neighbours at 2a Seymour Road, with particular regard to outlook and light.

Reasons

6. The appeal property is a detached dwelling on the south-east side of Seymour Road and within a predominantly residential area, with a wide mix of dwellings.
7. The approved plan under the permission Ref: 2019/2801 showed the flat roof of the rear extension extending out from the base of the cat slide roof of the existing dwelling, with a marked dimension from base to top of the side elevation of the extension of 2665mm. However, as built and whilst still using the corner of the base of the cat slide roof as the connection point to the main house, the height of the side elevation of the extension from base to top is now shown as 2870mm. The Council has referred to the height as 2.9m. I do not consider that the difference between the Appellants' and the Council's figures to be significant in the context of the works undertaken.
8. Notwithstanding that the connection to the main property remains the same in relation to the cat slide roof, the extension, as built, is higher than the extension as permitted. This is also clear from a consideration of such matters as the relationship of the windows and door to eaves levels.
9. The adjoining property at No 2a has a two storey side extension which includes a kitchen and dining room at ground floor facing the rear of the property and served by a window and glazed doors. There is an angled boundary between the appeal property and No 2a with the rear windows of No 2a facing partly towards the common boundary and the side elevation of the appeal property. The size of the plot for No 2a, including its rear amenity space, again reflecting its corner location, is smaller than the size of plots further along Seymour Road.
10. There appears to be no material difference in the length of the extension as permitted and as built, and the gap between the extension and the common boundary also appears to be as originally approved. Although no sections have been provided, given its height, the extension as permitted would have been higher than the boundary fence between the appeal property and the neighbouring

property at No 2a but, as built, is now higher. There is therefore a greater height and therefore overall extent of built form along that boundary.

11. I have taken into account the outlook from the rear windows in No 2a as well as from the rear amenity space, including the angle of the relationship between two properties. The scheme as built can be seen from the rear of No 2a above the height of the boundary fence, but the scheme as approved would also have been seen. Comparing the scheme as originally approved with the scheme as now built, I do not consider that the amount of additional built form along the boundary is materially significant. The additional height and massing along the common boundary, once account is taken of the available outlook from the rear of the house, as well as from the private amenity space at the rear of No 2a is not significantly altered as a result of the increased height of the extension as built, compared with the original approved scheme. I do not consider that the scheme as built, taking into account the overall outlook from rear windows and the rear amenity space is overwhelming or oppressive for the neighbours. The scheme as built does not therefore result in material harm to the outlook for the neighbours at No 2a with particular regard to loss of outlook
12. Concerns have also been raised with regard to loss of light. There is no technical assessment before me, but I have had regard to the assessment undertaken by the Council, based on the BRE Daylight and Sunlight Guide. I agree that the light to the rear kitchen window at No 2a is affected by the side elevation of the existing two storey side elevation of the appeal property. Given the distance from the extension to the glazed doors as well as the extent of the glazed area, I am satisfied that the loss of light is limited and would not on its own be a reason to withhold planning permission.
13. I therefore conclude that the extension as built does not materially harm the living conditions of the neighbours at No 2a, with particular regard to loss of outlook and loss of light. There is no conflict with Policy DM2 of Development Management Plan 2015 and Companion Guide: Home Extensions as well as the National Planning Policy Framework, and in particular paragraph 135 all of which seek a high quality of design which respects the amenities of existing and future occupiers.
14. Given the spacing with the neighbouring property to the south at No 4, and the extensions built at that property, I am satisfied that the extension as built and in particular its height does not materially affect the amenities of these neighbours. The Council also raised no concerns in this regard.

Other Considerations

15. At the time of my site visit, a trellis of artificial planting had been applied to the side elevation of the extension above the boundary fence between the appeal property and the neighbouring property at No 2a. However, my decision is based on the plans as submitted. The Appellants have offered to introduce planting or to render the side wall of the extension if required. However, in view of my assessment and findings above, I am satisfied that further amendments are not required to make the development as built acceptable in planning terms.

Conditions

16. The plans as submitted should be listed for the avoidance of doubt and in the interests of good planning. As the development has been completed there is no

need for the conditions on the original permission in respect of the timescales for commencement of development and materials to be repeated. However, I shall reimpose the condition relating to flood risk from the earlier permission for any ongoing actions and commitments to safeguard against flood risk.

Conclusion

17. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR