



Appeal Decision

Site visit made on 14 July 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/K3605/W/25/3360448

104 Palace Road, East Molesey, SURREY KT8 9DU

- 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 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Travers against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2658, dated 14 January 2025.
 - The application sought planning permission for additional two-storey detached house with detached outbuilding and associated parking, cycle and bin storage; single-storey rear/side extension to existing house and alteration to fenestration following partial demolition of existing house and demolition of garage without complying with a condition attached to planning permission Ref 2023/3224, dated 03 July 2024.
 - 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: 104PR/PL/01, 104PR/PL/06, 104PR/PL/14, 104PR/PL/31, received on 27 November 2023, 104PR/PL/03 A, 104PR/PL/05 A, received on 09 January 2024, 104PR/PL/07 A, 104PR/PL/11 B, 104PR/PL/12 B, received on 05 March 2024.
 - The reason given for the condition is: To ensure that the development is carried out in a satisfactory manner.
-

Decision

1. The appeal is allowed and planning permission is granted for an additional two-storey detached house with detached outbuilding and associated parking, cycle and bin storage; single-storey rear/side extension to existing house and alteration to fenestration following partial demolition of existing house and demolition of garage at 104 Palace Road, East Molesey, Surrey KT8 9DU in accordance with the application Ref 2024/2658 dated 14 January 2025, without compliance with condition number 2 previously imposed on planning permission Ref 2023/3224 dated 03 July 2024 and subject to the conditions set out in the Schedule of Conditions.

Background and Main Issue

2. The proposal seeks to vary condition 2 that refers to the approved plans. This is sought in order to amend the approved drawings to facilitate the creation of accommodation within the roof, alongside the creation of a rear dormer and the insertion of roof lights within the side roof slopes. The main issue is whether harm would arise with regard to meeting the Borough's identified housing need as a result of the increase in size of the dwelling house.

Reasons

3. During the course of the Council's consideration of the original planning application the plans were amended to avoid any accommodation in the roof space. Furthermore, the original planning permission included a condition preventing alteration and extension of the roof through the removal of permitted development. The submitted drawings that support this appeal annotate the roof space to be used as an art studio with en-suite, services and storage. However, the Council contends that this space may be used as a bedroom at later stage.
4. The creation of a 4-bedroom dwelling would not meet the identified housing need within the Borough for smaller (1 to 3-bedroom) units. However, the proposal is not for numerous dwellings and the additional uplift in larger dwellings would only increase by one. The immediate area is characterised by larger houses. The proposal is for an increase in useable floor space, along with the rear dormer, which the Local Planning Authority considers would be a visually acceptable alteration to the dwelling. Although the proposed dwelling would exceed the minimum space standards for a 3-storey 4-bed unit, the size and appearance of the resulting dwelling would reflect the character of the area, which I note is a requirement of housing mix development plan policy.
5. Policy CS19 of the Elmbridge Core Strategy, Policy DM10 of the Elmbridge Development Management Plan and the provisions of the Framework set out that new housing proposals should meet the identified need for housing. However, the creation of one additional 4-bedroom dwelling would not make a significant impact upon the housing needs of the Borough. For this reason, I do not find that the proposal would substantially conflict with these development plan policies.

Conditions

6. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged.
7. In order that the permission runs with from the date of the original permission I have adjusted Condition 1. Condition 10 related to a tree pre-commencement meeting to which the Council's Tree Officer was satisfied with the details submitted. As such, there is no need to re-impose this condition. Confirmation has been provided that Condition 14 of the original planning permission has been discharged and should be complied with. The Council has confirmed that all other conditions as imposed upon the original planning remain applicable. Therefore, I have re-imposed those conditions.

Decision

8. The appeal is allowed subject to the modification of Condition 2 to incorporate the updated plans.

Nicola Davies

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun on or before 03 July 2027.
2. The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 104PR/PL/01, received on 27 November 2023, 104PR/PL/05 A, received on 09 January 2024, 104PR/PL73/17, 104PR/PL73/20, 104PR/PL73/21, 104PR/PL73/22, received on 12 October 2024.
3. No above-ground development shall take place until samples of the materials to be used on the external faces and roof of the building have been submitted to and approved in writing by the borough council. Development shall be carried out in accordance with the approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting that order) no development falling within Part 1, Schedule 2, Class(es) B and C of schedule 2 to the said order shall be carried out within the curtilage of the/any dwellinghouse, unless planning permission is first granted by the borough council.
5. Prior to the first occupation of the development hereby permitted the first floor side windows on the south east and north west elevations of the new dwellinghouse hereby permitted and the first floor side windows on south east elevation of the existing dwellinghouse shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter. Reason: To preserve the reasonable privacy of neighbouring residents in accordance with policy DM2 of the Elmbridge Development Management Plan.
6. Before any above-ground work on the development hereby permitted is first commenced, details of the siting, height and method of construction of the proposed access to Parsons Mead and the brick wall boundary treatment, shall be submitted to and approved in writing by the borough council. Such walls, fences or planting shall be implemented before the development is first occupied and shall be retained thereafter in position to the satisfaction of the borough council, unless otherwise agreed in writing.
7. The outbuilding hereby permitted shall only be occupied in connection with, and ancillary to, the occupation of the approved dwelling on the site, and in particular shall not be separately let, sold or otherwise occupied as a separate independent dwelling.
8. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking

and turning areas shall be retained and maintained for their designated purposes.

9. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
10. After the agreed tree protection measures have been installed in accordance with the approved plans, all tree protection measures shall be maintained for the course of the development works. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in CONSULTANT: SOUTHOAKS/SITE: 104 Palace Road East Molesey KT8 9DU/TPP: SO 24/1026 Rev 2: 02.2024.
11. The completion schedule/report of all the agreed arboricultural site supervision and monitoring as approved in the arboricultural information CONSULTANT: SOUTHOAKS/SITE: 104 Palace Road East Molesey KT8 9DU/TPP: SO24/1026 Rev 2: 02.2024 shall be submitted to and approved in writing by the Local Planning Authority within 20 working days of the substantial completion of the development hereby approved. This shall include evidence of compliance through supervision and monitoring of the agreed activities by a suitably qualified arboriculturist.
12. All existing trees, hedges or hedgerows inside the identified site boundary shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development. No retained tree, hedge or hedgerow providing a screen shall be cut down, uprooted or destroyed, other than in accordance with the approved plans and particulars. If any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.
13. The development shall be carried out in accordance with the approved foundation design details as agreed pursuant to planning permission reference 2023/3224.

End of Schedule