



Appeal Decision

Site visit made on 30 June 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 AUGUST 2025

Appeal Ref: APP/K3605/D/25/3366703

21 Tower Gardens, Claygate, Esher, Surrey KT10 0HB

- 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 Lee Pendleton against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/0060.
 - The development proposed is two-storey side/front extension, pitched roof over front porch and roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side/front extension, pitched roof over front porch and roof lights at 21 Tower Gardens, Claygate, Esher, Surrey KT10 0HB in accordance with the terms of the application Ref 2025/0060 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with drawing nos 24015_P1_BP, 24015_E1_SLP, 24015_P1_10, 24015_P1_11, 24015_P1_20, 24016_E1_10, 24016_E1_11, 24016_E1_12, 24016_E1_13, 24016_E1_30, 24016_E1_31.
 - 4) The extension hereby permitted shall only be occupied in connection with, and ancillary to, the occupation of the existing dwelling on the site, and in particular shall not be let, sold or otherwise occupied as a separate independent dwelling.
 - 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
 - 6) All existing trees, hedges or hedgerows inside the identified site boundary shall be retained, unless shown on the approved drawings as being removed

and the paragraph below shall have effect until the expiration of 5 years from the first occupation of the proposed development.

No retained tree, hedge or hedgerow 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.

Applications for costs

2. An application for costs was made by Lee Pendleton against Elmbridge Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. In the appeal submission the appellant put forward an arboricultural statement to address the reason for refusal relating to the lack of arboricultural information to support the application and ensure the protected tree would not be adversely affected. The Council has been given the opportunity to comment on the arboricultural statement and consider the proposal acceptable on arboricultural grounds subject to the submission of full supporting information. I have taken the arboricultural statement into account when determining the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the area and its effect on an existing protected tree.

Reasons

5. 21 Tower Gardens is a detached house on a reasonably sized plot, in a modern development of similar houses within a verdant setting including mature trees. This part of Tower Gardens is a cul-de-sac where the street scene has a varied layout, curved road pattern and where wide views of the estate within which the house is located would not be seen. There is also good boundary screening around the site preventing wider views into the site.
6. The proposal includes the demolition of the existing garage and its replacement with a two-storey side extension. The front of the proposal would be set forward of the existing garage but would still be well set back from the front of the dwelling. The ridge height of the proposal would be marginally lower than the ridge height on the existing dwelling and the combination of the lower ridge height and frontage set back from the front of the dwelling would ensure the proposal would appear visually subservient to the main dwelling and would not compete with it.
7. The height and width of the proposal would elongate the appearance of the dwelling on the site at two-storey height. The proposal would be located to the side of the dwelling at the furthest point from the road. Due to the varied building line, curved road pattern and verdant screening, the proposal, by virtue of its design, set-back and form would retain the open nature of Tower Gardens and would not appear as overly dominant on the dwelling or prominent within the street scene. The proposal would be proportionate to the dwelling replacing an existing garage and would not have a harmful effect on the character and appearance of the host dwelling or the area.

8. There is a protected tree on the site and no arboricultural information was originally submitted with the application that would identify the impact of the proposal on the protected tree or whether any mitigation would be required.
9. An arboricultural statement was submitted with the appeal which concludes that given the distance between the proposed development and the Turkey Oak tree which is protected by the Tree Preservation Order, there would be no significant arboricultural impact on the tree. Construction tree protection measures should be confirmed prior to commencement of the development. I am satisfied that based on the evidence before me, the proposal would have no significant impact on the protected tree and that the proposed tree protection measures required during construction would protect the tree.
10. In conclusion, I am therefore satisfied that the proposed development would respect the character and appearance of the existing dwelling and of the local area and would have no significant effect on the protected tree. There would be no conflict with Policies CS11, CS17 of the Elmbridge Core Strategy July 2011 and Policies DM2 and DM6 of the Elmbridge Local Plan Development Management Plan April 2015 insofar as the policies seek to achieve high quality design that preserves or enhances the character of the area and are designed to include an integral scheme of tree protection.

Other Matters

11. Matters relating to the use of the proposal and the effect on neighbouring privacy have been dealt with in the case officer report and I have no reason to take a different view.

Conditions

12. In the interests of certainty, a condition requiring materials to match the existing dwelling and plan numbers against which the development must be carried out is required.
13. A condition restricting the occupation of the extension to be in connection with and ancillary to the occupation of the existing dwelling on site is required to prevent the subdivision of the site and protect the character of the area and amenity of neighbouring properties.
14. A condition requiring tree protection measures is required to ensure the health of the protected tree is not affected by the proposal and a condition requiring the retention of all existing trees, hedges or hedgerows inside the site to be retained unless shown as being removed is required to protect the character and appearance of the locality.

Conclusion

15. For the reasons given above the appeal is allowed.

C Coles

INSPECTOR