
Appeal Decision

Site visit made on 6 October 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/K3605/D/25/3372405

80 Eastwick Road, Hersham, Surrey KT12 5AS

- 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 McCarrick and Ms Wilson against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1602.
 - The development proposed is two-storey side extension, single storey side extension and front entrance canopy.
-

Decision

1. The appeal is allowed and planning permission is granted for two-storey side extension, single storey side extension and front entrance canopy at 80 Eastwick Road, Hersham, Surrey KT12 5AS in accordance with the terms of the application, Ref 2025/1602, 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 Existing First Floor Plan HA/80ER/02 Rev A00, Existing Ground Floor Plan and Location Plan HA/80ER/01 Rev A00, Existing Roof Plan HA/80ER/03 Rev A00, Proposed Ground Floor Plan HA/80ER/04 Rev A00, Proposed First Floor Plan HA/80ER/05 Rev A00, Proposed Roof Plan HA/80ER/06 Rev A00, Existing and Proposed Elevations and Site Plan HA/80ER/07 Rev A00.
 - 4) Prior to the first occupation of the development hereby permitted the first floor rooflight windows on the north elevation of the development hereby permitted 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.
 - 5) Before any fixed plant, machinery, air-moving extraction or filtration, refrigeration equipment, air-conditioning units or like-kind are used on the premises, a noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and in accordance with BS4142: 2014 + A1 2019. The assessment shall be submitted to and approved in writing by the Local Planning Authority (LPA). Should the assessment identify mitigation

measures are required, then the installation of all mitigation identified in the report shall be provided to the LPA and approved prior to first use. The scheme hereby approved must be implemented, retained and maintained in accordance with the permission granted.

Main Issue

2. The effect of the proposed two-storey side extension (development) on the living conditions of the occupiers of 78 Eastwick Road (no 78), with particular respect to outlook.

Reasons

3. There is agreement between the parties that the proposal would not cause a material loss of light to no 78. However, the Council consider the scale, bulk and proximity to no 78 would cause an overbearing impact on this property.
4. The proposed development would be screened from no 78 by an evergreen hedge that sits within the ownership of no 78 along the shared boundary. Whilst I cannot control the retention of the hedge, I have been given no reason to believe the hedge is at threat of removal. The appellants Daylight/Sunlight assessment confirms *'very little light can penetrate dense belts of evergreen trees, and the shade they cause will be more like that of a building or wall'*¹. The height and density of the hedge would therefore be likely to severely restrict views from no 78 towards the proposed development and vice versa.
5. It is noted that four trees within the appellants ownership inside the shared boundary are proposed to be removed. However, the loss of these trees would not significantly effect the visibility of the proposal from no 78 due to their presence on the opposite side of the evergreen hedge to no 78.
6. Although no tree protection measures are specifically in place for the evergreen hedge, it is protected by existing close boarded fencing on the appellants side and I do not consider the proposed development would have any significant effect on the health of the hedge. Therefore, the view from no 78 would be unlikely to materially alter. In any event, for reasons set out below, even if the evergreen hedge were to be removed, I do not consider the proposed development would have any significant impact on the amenities of the occupiers of no 78 that would be sufficient to warrant a refusal.
7. The separation distance between the proposed development and the shared boundary would exceed the 1m minimum separation distance set out in the Elmbridge Design Code (2024) therefore providing an accepted level of separation to the shared boundary.
8. The roof of the proposal has also been designed with a pitch sloping away from no 78 with the eaves of the roof starting from ground floor ceiling height, thus minimising the overall bulk and mass of the proposal when viewed from the north. The rooflights in the roof of the development would be set with a cil level above 1.7m and would be obscure glazed which would protect the amenity of the occupiers of no 78 from any overlooking or perceived overlooking. The separation distance and design of the roof of the proposed development would prevent the proposal having a significant overbearing impact on no 78.

¹ Appendix G of BR209 2022 (*BRE Site layout planning for daylight and sunlight: a guide to good practice (BR 209 2022)*)

9. In conclusion, the proposed development would have no significant effect on the living conditions of the occupiers of no 78 with particular respect to outlook and the scheme accords with Policy DM2 of the Development Management Plan 2015 which seeks to protect the amenity of adjoining and potential occupiers and users, offer an appropriate outlook and provide adequate daylight, sunlight and privacy.

Other Matters

10. I note extant planning permissions exist for side extensions which remain a fallback position. However, these have not been determinative as I have found the development acceptable without the need to consider the fallback position. The fallback position does however establish the acceptability of extensions in this location.

Conditions

11. In the interests of certainty, conditions imposing a time limit on the start of development and development in accordance with the approved plans is required.
12. A condition is necessary requiring materials to match those on the existing dwelling to integrate the appearance of the proposed extension with that of the original building.
13. To protect the occupiers of neighbouring properties from perceived overlooking, a condition requiring the rooflight windows on the north elevation to be obscure glazed and only openable above a height of 1.7m is required.
14. To protect the amenities of the occupiers of neighbouring properties, a condition requiring the submission of a noise assessment to the Council from any fixed plant is required.

Conclusion

15. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR