



Appeal Decision

Site visit made on 21 October 2025

by A James BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 NOVEMBER 2025

Appeal Ref: APP/K3605/D/25/3372167

6 Oakhill, Claygate, Esher, Surrey, KT10 0TG

- 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 & Mrs J Jamieson against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1310.
 - The development proposed is described as a rear raised patio deck.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear raised patio deck at 6 Oakhill, Claygate, Esher, Surrey KT10 0TG in accordance with the terms of the application, Ref 2025/1310, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of No 4 and No 8 Oakhill with particular regard to privacy.

Reasons

3. The proposed development would comprise of raised decking which would allow for access to the rear garden. It would be attached to the recently built rear extension. The decking would be set down from the bi-fold doors and would cover approximately half the width of the rear elevation. The proposed development would be sited closest to the shared boundary with 8 Oakhill and further away from the shared boundary with 4 Oakhill.
4. From my site visit I could see there are currently oblique views towards the rear gardens of 4 and 8 Oakhill from the bi-fold doors of the appeal property. However, these are limited because of the staggered settlement pattern of 4, 6 and 8 Oakhill. The views are further limited by the boundary treatments and levels of the rear gardens. This means occupiers of No 4 and No 8 currently experience a reasonable level of privacy.
5. I have noted that concerns have been raised with regard to the proposed development impinging on No 4's privacy. However, the views from the proposed development into the rear garden of No 4 would be limited as No 4 is set back from No 6. The new rear extension would also likely screen most of the views into the rear garden of No 4. The proposal is set far enough back from the boundary of No 4, and down, that existing boundary treatments would likely prevent views to most of the rear garden of No 4. Therefore, I consider that the privacy and the living conditions of the occupiers of No 4 would remain at a reasonable level, and I find no harm in this respect.

6. The proposed development would be much closer to the boundary of No 8. The rear extension has reduced the staggered siting of No 6 and No 8. This means that when standing on the proposed development occupiers would have direct views into the rear garden of No 8. I am mindful that the proposal has been set down to mitigate the views into the rear garden of No 8. Nevertheless, the proposal would cause substantial harm to the privacy experienced by occupiers of No 8 in their rear garden.
7. The Council has suggested a privacy screen, secured by condition, relating to the east and west sides of the development could mitigate the identified harm in respect of privacy.
8. While I have not found harm in respect of No 4, I consider that screening to the west side of the decking would satisfactorily overcome the identified harm to No 8. This approach would also meet the guidance set out in the Elmbridge Design Code 2024. I acknowledge the Council's point that a boundary treatment condition would be outside the scope of the appeal and agree it would not be appropriate to apply it in this case.
9. Overall, I conclude that subject to a condition to secure a privacy screen the effects of the proposed development can be mitigated to ensure that No 8 would retain a good level of privacy in the rear garden. The proposed development would be acceptable in terms of its effect on the living conditions of the occupiers of No 4 and No 8. The proposed development therefore complies with the relevant provisions of Policy DM2 of the Development Management Plan adopted (April 2015). In summary this policy seeks to ensure development proposals are designed to provide adequate levels of privacy.

Conditions

10. I have attached a standard time limit condition. I have also specified the approved plan condition for the avoidance of doubt and the interest of proper planning. A condition relating to the materials is necessary to ensure that the appearance of the rear raised patio deck would be satisfactory. I have imposed a condition requiring privacy screening in the interests of the living conditions of the occupiers of a neighbouring property.
11. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

Conclusion

12. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

A James

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the Location Plan and drawing no 6OC-201 Rev P6.
- 3) The development shall be carried out in accordance with the materials as specified on the application form.
- 4) Prior to the first use of the rear raised patio deck hereby permitted details of a 1.8m privacy screen to be installed on the west side of the rear raised patio deck, shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be implemented in accordance with the approved details before the first use of the rear raised patio deck and thereafter retained for the lifetime of the development.