



Appeal Decision

Site visit made on 5 June 2025 by S Indermaur BA (Hons) MSc MRTPI

Decision by Kenneth Stone BSc (Hons), Dip TP, MRTPI.

an Inspector appointed by the Secretary of State

Decision date: 18 NOVEMBER 2025

Appeal Ref: APP/K3605/D/25/3359939

52 Chestnut Avenue, Surrey, Esher KT10 8JF

- 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 Mrs Dee Smethurst against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2576.
 - The development proposed is a single storey rear infill extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear infill extension, at 52 Chestnut Avenue, Surrey, Esher KT10 8JF. In accordance with the terms of application 2024/2576 dated 20 November 2024 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TDB-154-PL-00, TDB-154-PL-01 and TDB-154-PL-10.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property, No.54 Chestnut Avenue, with particular reference to light and outlook.

Reasons for the Recommendation

4. The appeal property forms one half of a pair of two-storey semi-detached dwellings that benefit from long rear gardens. Both properties have a two-storey rear outrigger that covers half of the width of their rear elevation which includes an offset from the separating side boundary with the other. As such both dwellings possess a gap between the outriggers and the shared boundary.

5. The neighbouring property has wide and tall French doors situated on this set back and no compelling evidence has been provided to indicate that the neighbouring property would not receive acceptable levels of daylight. This position is corroborated by my own observations and in addition, I am satisfied that the position of neighbouring glazing is set back from its own and the host dwellings rear projections. There is nothing to suggest there would be any material reduction from the levels of sunlight already received.
6. The proposed height of the extension would be modest in scale and would only be slightly higher than what could be constructed as permitted development, and for which I am mindful that a lawful development certificate has been granted. The proposed roof is designed to be pitched in from the shared boundary, and as such, the full height of the pitch is set away from the neighbouring property and ensures that the eaves height of the wall on the boundary is further reduced. The combination of the modest height proposed with the aspect provided by the existing windows would retain acceptable outlook for the neighbour.
7. The evidence before me demonstrates that the proposal would not meet the 45-degree angle test outlined in Elmbridge Design and Character Supplementary Planning Document (SPD), although I am mindful that this is only guidance. In this particular context and despite the Council's concern at the depth and proximity to the boundary, I am satisfied that the proposed development would have an acceptable relationship with the neighbouring property and would thereby be compliant with the policy requirements.
8. For the reasons detailed above, I am satisfied that the proposal would not cause harm to the living conditions to the neighbouring occupiers of No.54. As such the proposal would not conflict with Policy DM2 of the Elbridge Local Plan Development Management Plan (2015) which states that to protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to provide adequate levels of daylight, sunlight and outlook. In addition, the proposal would not conflict with the National Planning Policy Framework which seeks to secure a high standard of amenity for existing and future users.

Conditions

9. I have imposed the standard time condition, a condition requiring development to be carried out in accordance with the approved plans, to provide certainty and a condition to ensure that external finishing materials of the extensions match those of the existing dwelling in the interests of the character and appearance of the host dwelling and the immediate area.

Conclusion and Recommendation

10. The proposal would not conflict with the development plan read as a whole. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Kenneth Stone

INSPECTOR