



Appeal Decision

Site visit made on 5 November 2025

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/K3605/D/25/3374329

99 Claygate Lane, Esher, KT10 0BQ

- 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 Graham Bugby against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1247.
 - The development proposed is for the erection of single storey front extension, to replace existing extension, first floor extension over existing garage, single storey rear extension and alterations to stair window fenestration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the street scene. The second main issue is the effect of the proposal on nearby trees.

Reasons

Character and appearance of the street scene

3. Claygate Lane is characterised by traditionally designed houses from a limited range of designs and palette of materials. The dwellings are set back from the street behind spacious front gardens and have deep rear gardens. This, together with the planting/trees within the front and rear gardens and the grass verges and trees within the highway all contribute to the spacious and verdant character and appearance of the street scene.
4. Between Southwood Gardens and the western end of Claygate Lane most of the dwellings project up to or very close to at least one side boundary at ground and/or first floor level, although the alignment of the road, staggered front building lines and predominantly hipped roofs maintain a sense of separation between the dwellings. A good proportion of the dwellings that were designed with side catslide roofs and have had first floor side extensions. They include large side dormers, full height hipped and crown roofs and hipped roofs that sit below the main ridge line. Some of the extensions are clearly identifiable as extensions and others appear as an integral part of the dwelling concerned. I found that the extensions with hipped roofs that sat below the main ridge line were most successful in both respecting the host dwellings, the roofscape and maintaining the sense of space between dwellings.

5. The appeal property has a side catslide roof which rises from ground floor eaves level to the main ridge of the appeal dwelling. This catslide wing is recessed in excess of 2.5 metres behind the front building line of the existing front gable and the front elevation of the dwelling at 101 Claygate Lane (No.101). It also projects close to the boundary with No.101, where there is a flat roofed single storey side extension which projects up to the boundary with the appeal property.
6. To the rear within the back garden environment there is a broad range of single storey rear extensions and outbuildings which contribute to its more diverse character and appearance. To the front is a small flat roofed porch extension which is largely screened from the street scene by shrubs within the front garden.
7. The appeal site is located on the outside of a bend within the highway and as a result the recessed catslide wing is not visible in views from the north along Claygate Lane and views from the south are very limited. The catslide roof and the gap between the two dwellings can be clearly seen from the front of the dwelling within the street scene.
8. Amongst other things policy CS17 of the Elmbridge Core Strategy (CS), together with policy DM2 of the Elmbridge Development Management Plan 2015 (DMP), require new development to be of high quality. It should maximise the efficient use of land while taking account of the appearance, scale, height, massing, layout and character of the host building and the prevailing pattern of development. Paragraph 135 of the National Planning Policy Framework 2024 (the Framework) has similar objectives.
9. Section 6 of the Elmbridge Design Code 2025 (EDC), advises that side extensions should be either fully integrated or shown to be extensions and should respect the symmetry of the host building. Their roofs and design detailing should respect the host dwelling and a minimum gap of at least one metre should be maintained between first floor extensions and the adjacent side boundaries. Paragraphs 1.1.3 & 1.1.4 of the SPD advise that the purpose of the Design Code is to help decide the characteristics of good design. Whilst proposals are expected to comply and demonstrate compliance with its requirements, where there is a deviation through exception, a robust justification will need to be made.
10. Both the single storey front and rear extensions are modest in form and appearance. The proposed rear extension is set in from the side boundaries of the site and would align appropriately with the main ridge line of the dwelling. It would also be contained within the existing hard surfaced area. The small front extension would replace the existing front extension and include a front door facing the highway. It would involve changes to the fenestration of the host dwelling which would be in keeping with the existing fenestration. Both extensions would be constructed from external materials that match the host dwelling. For these reasons these extensions would respect the character and appearance of the host dwelling and the street scene.
11. I note that the council has raised no concerns regarding the design of the proposed side extension and I have no reason to disagree. Its scale, form, roof design, detailing and materials would all respect the host dwelling. The proposed gap above first floor level between the proposed extension and the flank wall of No.101 would reflect that of numerous dwellings in this part of Claygate Lane and the

proposed hipped roof would reinforce the sense of separation between the two dwellings.

12. From the street scene and the rear garden environment the siting of the extension and its projection close to the side boundary with No.101 would reflect the prevailing pattern of development within this part of Claygate Lane. Overall, I find that the proposed extension would respect the prevailing building lines, roofscape, street rhythm and overall character and appearance of the existing street scene. It would therefore comply with CS Policy CS17 and DMP Policy DM2.
13. This is subject to the imposition of conditions relating to adherence to the submitted drawings and the use of matching external materials. These conditions are necessary to ensure the development blends in satisfactorily with the host dwelling and the street scene, as well as in the interests of certainty.
14. I appreciate that a one metre gap would not be left between the proposed extension and the side boundary of the site. However, the proposed extension itself is visually appropriate and the gap above first floor level between the proposed extension and the flank wall of No.101 would reflect that of numerous dwellings in this part of Claygate Lane. Also, the proposed extension would occupy a recessed position and its hipped roof would reinforce the sense of separation between the two dwellings. For these reasons the proposal would not have a terracing effect within the street scene.
15. As stated in section 1.2 of the EDC the need for proposals to be informed by and respond positively to local context is at the heart of the council's approach to high quality and well designed places. The aim of the Design code is to ensure that the approach is a creative process, orientated and tailored to the context as opposed to being a standard solution imposed regardless of context or a pastiche replication of existing buildings. Not only does the proposal comply with the objectives and aim of the EDC, the EDC acknowledges that deviations can be made as an exception to the detailed advice set out within it. Accordingly, in this instance I find that the merits of the appeal proposal clearly outweigh the conflict with the advice set out in SPD paragraph 6.2.2.
16. The council has referred to a proposal for a similar extension which was dismissed at appeal in 2022. The property concerned (No.32) is located within a different part of Claygate Lane where the character and appearance is not directly comparable to the area where the appeal site is located. The dwelling at No.32 is located immediately alongside a deep two storey dwelling with a large side dormer facing the catslide roof at No.32. The relationship between the proposed extended dwelling and the dwelling at No.34 would have been cramped and the sense of space between the two dwellings would have been lost. Its impact both on the relationship between the dwellings and the street scene would have been exacerbated by the prominent position of the property directly opposite a school exit, primary school entrance and a cycleway.
17. I also note that the scheme was assessed against the Council's Design and Character Supplement Guide Home Extensions 2012. This document has since been replaced by the SPD, which as stated above does allow for exceptions to the guidance it contains where justified.

18. I conclude on the main issue that the proposal would respect and be readily assimilated into the street scene. Accordingly, it complies with CS Policies CS7 & CS17, DMP Policies DMP1 & DMP2 and the aims and objectives of the EDC.

Trees

19. Policy DM6 states that proposals should be designed to include an integral landscape scheme, including tree retention, protection and/or planting. This is to integrate the development into its surroundings; contribute to biodiversity; and encourage adaption to climate change. Paragraph 188 of the Framework seeks to enhance the natural and local environment by minimising impacts on and providing net biodiversity gains, or harm due to pollution or land instability.
20. The proposed rear extension would be contained within the existing rear paved area. I have no concerns regarding the removal and replacement of a small Magnolia tree, which would be satisfactorily addressed by the imposition of a condition.
21. I am concerned about the proximity of the tall split trunk Cypress tree and the moderate sized evergreen tree in the gardens of the adjacent dwellings, which overhang/about the application site. Having regard to the nature and quality of these trees their removal would not amount to a reason for refusing this appeal. This is because they could be replaced with appropriate species elsewhere within the rear garden environment. However, these trees fall outside the ownership and control of the appellant.
22. For this reason, I consider that an arboricultural assessment and associated protection or replanting plan is necessary as both trees could have widespread shallow root systems that extend under the existing hard surfaced area. This is to advise on the level and nature of any potential harm to the trees and any necessary protection measures. The assessment could also advise on any measures needed to ensure the tree roots did not harm the proposed rear extension in the future. Due to the third party ownership of these trees this is not a matter that could satisfactorily be dealt with by condition.
23. I conclude on the second main issue that it has not been demonstrated that the nearby trees would be satisfactorily protected during the construction process. Accordingly, on the basis of the information submitted, the proposal conflicts with DMP Policy DM6 and paragraph 188 of the Framework

Conclusion

24. Whilst I have found in favour of the appellant in relation to the first main issue, the conclusion on the second main issue dictates that the appeal should be refused.

Elizabeth Lawrence

INSPECTOR