



Appeal Decision

Site visit made on 3 September 2025 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/K3605/D/25/3368541

3 Hill Rise, Esher, Surrey KT10 0AL

- 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 and Mrs S Keane against the decision of Elmbridge Borough Council.
- The application ref is 2025/0442.
- The development proposed is a part single and part two storey rear extension and porch and bay window front extension with additional side windows.

Decision

1. The appeal is allowed and planning permission is granted for a part single and part two storey rear extension and porch and bay window front extension with additional side windows at 3 Hill Rise, Esher, Surrey KT10 0AL in accordance with the terms of the application, ref 2025/0442, and the plans submitted with it, 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 development hereby permitted shall be carried out in accordance with drawing Refs: Location Plan, Block Plan, 3HRHW-201 REV P6 Proposed Plans.
 - 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of 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 trees shall be carried out as approved.
 - 4) The external materials of the development hereby permitted shall match those used in the existing dwelling.
 - 5) The first floor rear window serving the ensuite bathroom shall be glazed with obscure glass to a level equivalent to Level 3 or above (or nearest equivalent standard) and shall have a restrictive opening system allowing a maximum opening of 10cm. The window shall be retained in that form thereafter.

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 Issues

3. The Council raises no objection to the proposed single storey front extension incorporating a porch, bay window and additional side windows. On the evidence before me, I see no reason to disagree.
4. Therefore, the main issues in this appeal are the effect of the proposed rear extension on a) the character and appearance of the area, with particular reference to trees; and b) living conditions for the occupiers of 44 Severn Drive and 5 Hill Rise with particular reference to outlook and privacy.

Reasons for the Recommendation

Character and Appearance

5. Hill Rise is a verdant suburban residential road characterised by two storey detached and semi-detached dwellings. The appeal site comprises a detached property set back from the road and positioned forwards of the established building line which follows the curvature of the road. It has a long, deep garden which backs onto woodland/open space to the rear. The front and rear garden boundary adjoins the rear garden boundaries for residential properties along Severn Drive. Trees within gardens contribute to the area's verdant character.
6. Policy DM6 of the Elmbridge Local Plan 2015 (ELP) seeks to ensure that development proposals include an integral scheme of tree retention and protection that adequately protects existing trees including their root systems prior to, during and after the construction process.
7. There are several ornamental trees within the garden of 44 Severn Drive on the rear garden boundary with the appeal site. The proposed rear single storey extension would be close to some of these trees. No arboricultural information has been provided to assess the impact of the proposal on them.
8. These trees create an attractive feature within their setting and are visible from neighbouring gardens. Although their contribution to the character and appearance of the street scene is limited due to their position and scale, they provide a degree of amenity value and their loss would harm the wider verdant character of the area.
9. The appellant has indicated a willingness to accept a pre-commencement condition securing approval of an arboricultural impact assessment and details of tree protection during and after construction. Subject to such a condition, I am satisfied there would be an adequate mechanism to secure mitigation for the risk to trees before works start on site, to protect the character and appearance of the area.
10. For the above reasons, I conclude the proposed rear extension would have an acceptable effect on the character and appearance of the area, with particular reference to trees. Accordingly, I find no conflict with ELP Policy DM6; or with the National Planning Policy Framework (the Framework), where it recognises that trees make an important contribution to the character and appearance of urban environments and seeks to ensure that opportunities are taken to retain existing trees where possible.

Living Conditions

11. The existing two storey side-facing elevation of the appeal dwelling partially encloses the rear garden of the neighbouring property at 44 Severn Drive. The existing boundary fence and hedge also contribute to a sense of enclosure within that property's garden.
12. The side elevation of the single storey element of the proposed extension would be some 13m from the rear elevation of this neighbouring dwelling. At a depth of approximately 8m it would further elongate built form along the garden boundary. However, given its single storey form, flat roof with chamfered roof slopes and eaves height at the boundary, it would not be unduly overbearing or significantly increase the enclosure effect. Although the garden of No 44 is not particularly deep it is of a sufficient width that, even with some increased enclosure on the rear boundary, it would still maintain open aspects.
13. The proposed two storey element of the rear extension would also be set in from the boundary with No 44 and would therefore maintain a sufficient distance of separation in excess of 4 metres to minimise any overbearing impact. Consequently, the proposal is unlikely to result in a sense of increased confinement or enclosure sufficient to harm the living conditions of the occupiers of No 44.
14. The neighbouring property at 5 Hill Rise, is situated at a slightly elevated position and orientated at a slight angle away from the appeal dwelling. I observed during my site visit that mutual overlooking between these two properties already occurs to an extent given the relationship and layout arrangement, although established trees and planting provide some degree of screening. I also noted that with the existing arrangement, the first-floor rear elevation of the appeal dwelling is already visible from the first-floor front elevation of No 5.
15. The two storey element of the proposed rear extension would reduce the distance of separation between the properties. However, the outlook from the first-floor window of No 5 nearest to the extension is already partially obscured given the positioning of the appeal dwelling. In addition, there would not be direct line of sight views between the properties due to their orientation and relationship, and open aspects would be retained in other directions. Therefore, whilst the proposal would result in built form nearer to No 5, it would not have a significant overbearing effect.
16. A condition could be imposed requiring the first floor ensuite bathroom window of the proposal to be obscured with frosted glazing and have restricted opening to protect privacy for the occupiers of both the appeal site and neighbouring property.
17. I have considered the argument that the first floor of the proposed rear extension would breach the 45 degrees line for No 5 as detailed in guidance in the Elmbridge Borough Council Design and Character Supplementary Planning Document (April 2012). The existing built form of the appeal dwelling already breaches that line, therefore some overbearing already occurs. Given the orientation of the appeal dwelling at an angle to the neighbouring property, I am not persuaded that the proposal would materially worsen outlook in this context.
18. For the above reasons, I conclude the proposal would have an acceptable effect on living conditions for the occupiers of 44 Severn Drive and 5 Hill Rise. Accordingly, I find no conflict with ELP Policy DM2, which seeks to protect amenity of adjoining and potential occupiers with development designed to provide appropriate outlook,

and privacy. I also find no conflict with the Framework, where it seeks a high standard of amenity for existing and future users.

Conditions

19. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interest of certainty.
20. A pre-commencement tree protection condition is necessary for the reasons given under the first main issue. A condition requiring the use of matching materials is also necessary to protect the character and appearance of the host dwelling and surrounding area.
21. A condition requiring obscure glazing and restricted opening to the ensuite bathroom window is necessary for privacy.

Conclusion and Recommendation

22. The proposal accords with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan.
23. I therefore recommend that the appeal should be allowed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

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

C Carpenter

INSPECTOR