



Appeal Decision

Site visit made on 2 February 2026

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2026

Appeal Ref: APP/K3605/W/25/3376290

Land to rear of 47-49 Bridge Road, East Molesey KT8 9ER

- 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 B H Deals Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/0839.
 - The development proposed is detached two-storey house and cycle store following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the site was unclear from the planning application form. I have taken the address from the Council's decision notice and I am satisfied that it reflects the site shown on the submitted location plan.
3. The Council has clarified that affordable housing contributions are no longer sought on proposals of fewer than 10 dwellings, pursuant to Policy CS21. I have therefore determined the appeal on this basis and as such affordable housing is not a main issue.
4. The appellant has provided an updated flood risk assessment and a preliminary roost assessment to address the flooding and biodiversity reasons for refusal. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the additional reports do not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents.
5. I note that the Council is satisfied that the updated flood risk assessment and the roost assessment would overcome their reasons for refusal in respect of flood risk and biodiversity. I see no reason to disagree, and consequently these do not form main issues in the appeal.
6. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issue

7. The main issue is the effect of the proposed dwelling upon the living conditions of neighbouring residential properties with regard to outlook.

Reasons

8. The rear first floor window at 47 Bridge Road serves a bed-sit. It is the sole window providing light to the living/sleeping area. There is an internal kitchen beyond, and a bathroom with a small window in the side of the outrigger extension. A film has been applied internally to the main window which mimics the effect of obscure glazing. Light can enter but there is no clear view externally. There are top opening panes on the window. The appeal proposal would introduce a solid structure in front of the window to the bed-sitting room at a distance of around 7 metres.
9. An identical proposal for a 2-storey dwelling on this site was dismissed at appeal in 2021 (reference APP/K3605/W/21/3276453) due in part to the effect upon the outlook to the bed sit at No. 47. There has been no change to the spatial relationship between the proposed dwelling and the bed sit, although it now has the obscure glazing film attached to the window, preventing any clear outlook.
10. Whilst I acknowledge that the proposal would unlikely be clearly visible from the bed sitting room window, there would nevertheless be a change in the view of light and shadow resulting in the perception of an overbearing presence from the appeal scheme. The application of film to the bed-sit window has reduced any outlook it once had and has worsened the living conditions of the occupier to assist in reducing a loss of outlook arising from the appeal scheme.
11. The appellant points out that planning permission is not required for the installation of replacement window to the bed-sit with obscure glazed panes. This is presented as a fall-back position which the appellant argues should be afforded significant weight. There is no substantive evidence that there is a certificate of lawful development to confirm that an obscure glazed window in this location could be installed. I have necessarily assessed the appeal proposal in relation to the situation before me. The film applied to the window could easily be removed. In either scenario, with or without film, in my view there would be a discernible harmful effect upon the living conditions of the occupier of the bed-sit due to a loss of outlook.
12. There are other first floor windows to the rear of the Bridge Street properties with more oblique views towards the appeal site. Whilst the outlook from these windows would be more enclosed as a result of the appeal scheme, I do not consider that the effect would result in unacceptable harm to those windows which are further away from the proposed dwelling.
13. In conclusion on this main issue therefore, even with the obscure glazed film in place, there would be a harmful effect on the outlook of the bed-sit to the rear first floor of No. 47 Bridge Road. This would conflict with Policy DEN2 of the Elmbridge Local Plan Development Management Plan 2015 which, amongst other things, aims to protect the amenity of adjoining occupiers.

Other Matters

14. As a small site, this proposal could be built out quickly and would be an efficient use of land in a sustainable location. It would support the Government's aim of significantly boosting the supply of homes. However, the addition of one single

dwelling would provide a limited contribution in this context and I attach limited weight to this benefit. There would also be temporary and ongoing economic benefits from the development through construction and the future residents' use of local shops and services, but given the scale of development, those benefits would be limited.

15. The Council is satisfied with matters including the layout and standard of accommodation proposed, effect on highway safety, biodiversity and flood risk. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.
16. The appeal site is within the East Molesey (Kent Town) Conservation Area (CA). The statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is derived from the historic layout of the commercial area and wide residential streets leading from it.
17. The appeal proposal would introduce a modern, 2 storey dwelling in place of the existing single storey building, accessed from the lane running to the rear of the commercial properties on Bridge Road. The design would incorporate a green roof and green wall. There are several residential properties already located along the access road, and the scale and mass of the proposed house would be consistent with the pattern of development in the vicinity. The dwelling would remain subservient to the buildings fronting Bridge Road. The proposal would preserve the character and appearance of the CA and is a neutral consideration in the assessment of the proposal.

Planning Balance

18. The Council cannot demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11d)ii of the Framework is applicable.
19. As described above, the benefits associated with the additional dwelling would be limited, even taking into account the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply shortfall.
20. The Framework requires a high standard of amenity for existing users. For the reasons outlined above, the proposal would be harmful to the living conditions of No. 47 Bridge Road. Consequently, the adverse impact of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR