
Appeal Decision

Site visit made on 19 February 2026

by **F Leung BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/K3605/D/25/3376446

Greywood, 14 Milner Drive, Cobham, Surrey KT11 2EZ

- 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 Lynda Gouveia against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1449.
 - The development proposed is described on the application form as “erection of a detached garage with shared roof and new drive access including drop kerb”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the applicant’s name on the planning application form and that given on the appeal form. During the appeal, clarification was sought and the correct details are now used above.
3. The description of development set out above has been taken from the planning application form. The appellant sought to change the wording from “detached garage” to “attached garage”, as set out in their appeal statement, but there is no written agreement between the parties on this matter. Irrespective of this, I have determined the appeal on the basis of the submitted plans.
4. The appellant asserted that updated plans would have been submitted had the Council sought clarification during the application stage. Whilst the appellant has offered to make changes to the submitted plans to more accurately reflect the proposals, an appeal should not be used to evolve a scheme. I have determined the appeal based on the plans before me, and as originally submitted to the Council.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and surrounding area;
 - highway safety; and
 - the living conditions of the occupiers of 15 Milner Drive, with regard to daylight, sunlight and outlook.

Reasons

Character and appearance

6. The appeal property comprises a two-storey detached dwelling on this suburban residential street in which properties have a broadly similar style and age. They are generally set back from the highway behind large front gardens. The comparable building lines, broad highway width, and the presence of trees and hedges creates a spacious, uncluttered street scene that positively contributes to local character. The green and open appearance at the front of the properties reinforces the area's verdant character.
7. The proposed garage would sit entirely forward of the host building's principal elevation, creating a substantial forward projection. Despite the proposed linked roof and matching materials, its size and, in particular, its siting would significantly erode the existing spaciousness at the front of the property. Although it would not extend beyond the building line of No 15, it would be highly visible from the end of the cul-de-sac and from multiple nearby properties, appearing discordant with the established pattern of development. Consequently, the proposed garage would appear visually intrusive and incompatible with the established pattern of development in this part of the street.
8. The appellant has drawn my attention to several nearby properties with front-projecting garages, although only limited information of these has been provided. Apart from those at Nos 15 and 21, these do not generally project forward of the principal elevation of the main dwelling to a comparable extent. Even in those two cases, the layout and siting of the structures differ materially from those of the appeal site. No 21 benefits from a larger front garden space with soft landscaping that screens the garage, and it is set back substantially behind the established building line of the nearest property. The garage at No 15 appears historic and is visible mainly from the front, presenting a single front elevation to the highway. By contrast, the proposed garage would be highly visible from multiple vantage points within the cul-de-sac, and would have a greater prominence.
9. Overall, I conclude that the proposed development would harm the character and appearance of the host building and the surrounding area. This is contrary to Policies CS10 and CS17 of the Elmbridge Core Strategy (2011) (the Core Strategy), and Policy DM2 of the Elmbridge Local Plan: Development Management Plan (2015) (the LP). These policies, in summary, seek high-quality design that responds to distinctive local character and takes account of the built environment.

Highway safety

10. The proposed vehicular access would be close to the shared western boundary with No 15. While noting that the large tree on the northern boundary would be removed, it is unclear whether trees along the western boundary would also be removed.

11. The Council's Highway Design Advice for Minor Development requires 2m x 2m pedestrian visibility splays on both sides of a vehicular access, free of obstructions between 0.8m and 2m (except streetlights and clear-stemmed trees). The submitted plans indicate a width of 3.4m on the inner side and 4.5m on the outer side of the proposed crossover. There is no clear indication of the pedestrian visibility splays before me. Accordingly, in the absence of any substantive evidence that these splays can be achieved, and given the close proximity to the established access at No 15, it has not been demonstrated that the proposal would be acceptable in highway safety terms. That there is an existing crossover elsewhere at the site does not overcome this issue.
12. Accordingly, I conclude that the proposed development fails to demonstrate that it would not prejudice the safe operation of the adjoining highway. Therefore, it would not comply with Policy DM7 of the LP which states that access to and from the highway should be safe for pedestrians, cyclists and motorists.

Living conditions

13. A kitchen window at No 15 faces onto the appeal site. The proposed garage would be positioned relatively near to this window, although set 1m away from the shared boundary.
14. Regarding daylight and sunlight, the Elmbridge Design Code (2024) states that the '45-degree test' should be applied to single-storey extensions projecting more than 3m where side-facing windows of adjacent properties may be affected. The appellant has set out that the side-facing window would already fail that test while the proposal would comply with the '25-degree rule', which is considered an alternative form of assessment for daylight. I have no reason to doubt this based on the evidence before me.
15. I also note that the kitchen window of No 15 would, in all likelihood, already receive limited sunlight by reason of its north-east facing orientation relative to the appeal property. Therefore, the level of daylight and sunlight into the kitchen window of No 15 would likely remain acceptable.
16. In terms of outlook, I accept that the proposed development would change the relationship between the appeal site and the side-facing window at No 15. However, the setback from the shared boundary and the pitched-roof design of the proposed garage would minimise its visual impact on No 15. Furthermore, the kitchen of No 15 already faces onto a narrow area within its own plot, limiting outlook. The change in outlook as a result of the proposed garage would therefore be modest in this context. While the proposed garage would inevitably be visible, it would not be of a scale to cause an unacceptable loss of outlook.
17. Overall, the proposed development would not be harmful to the living conditions of the occupiers of No 15, with regard to daylight, sunlight and outlook. It would comply with Policy DM2 of the LP, which in summary seeks to protect the amenity of adjoining occupiers, including in respect of daylight, sunlight and outlook.

Conclusion

18. I am satisfied that the proposed development would not harm the living conditions of the occupiers of No 15. Nevertheless, for the reasons given above, I conclude that the proposal would conflict with the development plan and that there are no material considerations that indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

F Leung

INSPECTOR