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## Appeal Decision

Site visit made on 19 January 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> May 2026

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**Appeal Ref: APP/K3605/W/25/3374662**

**55 Broadwater Road South, Hersham, Walton-on-Thames, Surrey KT12 5DE**

- 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 Miss and Mr Charlotte and Stuart Knight and Leonard against the decision of Elmbridge Borough Council.
  - The application Ref is 2025/1471.
  - The development proposed is front extension to form new 3 bay garage with annex over. Proposed ground and first floor link extension to main house to connect to new garage extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on the:
  - Living conditions of the occupiers of the neighbouring property; and
  - Character and appearance of the area.

### Reasons

3. The appeal site comprises a detached two-storey dwelling on the southern side of Broadwater Road South, a residential road within the private estate of Burwood Park.
4. Broadwater Road South is characterised by detached dwellings with varying architectural styles, set in generous plots with large gardens. Buildings are largely set back from the road and concealed by vegetation and boundary treatments.

### *Neighbouring living conditions*

5. The proposed development would be located on the eastern side of the dwelling and would be located no closer to the shared boundary with No 53 than the existing dwelling, but would project forward. The shared boundary comprises a boundary wall and vegetation of varying permanence and height, depending on the time of year. The screening between the dwellings at the time of my site visit was significantly less than as shown in the appellants statement of case due to the lack of foliage on some of the trees.
6. No 53 has no windows on the side elevation that would be affected, but has windows on the front elevation which would have an outlook towards the proposal. Whilst the separation distance with the shared boundary would be retained, the height and depth (scale) of the development to the front of the dwelling would

dominate the outlook from the front of No. 53 and have an overbearing appearance. In the summer months the effect of the proposal would be reduced due to the increased foliage on the boundary, however, in the winter months the proposal would appear dominant and oppressive.

7. The parties disagree on whether the 45 degree guideline set out in Elmbridge Design Code (February 2024) as referenced in policy DM2 of the Elmbridge Local Plan Development Management Plan (ELP DMP) would be met. I acknowledge the appellants point that the presence of the boundary wall infringes the 45 degree guideline, however the proposed development would be taller than the wall and the additional height would result in some loss of natural light to the affected windows, albeit only modest.
8. There are no windows proposed on the east elevation of the proposed development and the outlook would be into the appeal site. There would be no loss of privacy to the occupiers of No 53. I note the contents of the shadow survey report but I have not been provided with details of methodology for this report and cannot be certain that its findings are robust.
9. The appellant has provided examples of the footprints of garages which are forward of dwellings along Broadwater Road South. However, the information provided does not provide a comparison of height or volume of the garages to enable a comparison of scale. The information also does not include the link extensions on any properties which does not allow for a comparison of depth.
10. I have also been provided with details of the full heights of the dwellings and the heights of garage extensions along a section of Broadwater Road South, along with details of the plot widths and spacing between dwellings. However, the information provided is not contextual and each proposal must be assessed on its merits and the specifics of the individual case.
11. In conclusion, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 53. The proposal would therefore be contrary to policy DM2 of the ELP DMP which requires proposals to protect the amenity of adjoining and potential occupiers and users and to offer an appropriate outlook and provide adequate daylight, sunlight and privacy.

#### *Character and appearance*

12. The existing dwelling is located on a substantial plot in a unique location on the road whereby the appeal site does not have a significant visual presence on the Broadwater Road South street scene, being located at the end of a minor road serving No's 55 and 53 Broadwater Road South. The dwelling is also set at the end of a long sweeping drive that is well screened by mature vegetation to the front, further minimising the impact of the dwelling on the street scene.
13. The proposed development would be constructed of matching materials and would respond to the design features of the existing dwelling. The Senior Conservation and Design officer has raised no objection to the design of the proposal. Whilst the proposal would be located to the front of the dwelling, it would remain subservient to and have a lower ridge and eaves line than the host dwelling.
14. There are examples of dwellings with forward projections on the estate, including the two properties directly to the east. Whilst it is noted these forward projections

are not of the same scale as the proposal, these dwellings have a more prominent position within the street scene, have more open frontages and the forward projections form a visible part of the character of the area.

15. Due to the depth of the plot from the road, the front boundary screening, the location of the dwelling on the estate and the presence of other forward projections within Broadwater Road South I do not consider the proposal would have a harmful effect on the character and appearance of the area.
16. In conclusion, I have not found harm in relation to the effect of the proposal on the character or appearance of the area or policies CS3, CS5 and CS17 of the Elmbridge Core Strategy or policy DM2 of the ELP DMP. Together, these policies seek to encourage development that is high quality and well designed and takes account of appearance, scale, mass, height, levels and topography, patterns of built development, separation distances to plot boundaries and the character of host buildings.

### **Other Matters**

17. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
18. The appeal site lies adjacent to the Manor House, which is the former Burwood Park School, a Grade II listed building. Given the separation distance between the Manor House and the proposed development and the significant natural vegetation and boundary treatments, the proposal is considered to preserve the character and appearance of the heritage asset in accordance with policy DM12 of the ELP DMP and the Act.
19. I note the appellant entered into pre-application discussions with the Council and amendments were made in light of the discussions.

### **Conclusion**

20. Whilst I have not found harm in respect of the effect of the proposal on the character or appearance of the area, I have found harm relating to the effect of the proposal on the living conditions of the occupiers of No 53. In light of this identified harm, the appeal is dismissed.

*C Coles*

INSPECTOR