
Appeal Decision

Site visit made on 6 February 2018

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2018

Appeal Ref: APP/P3610/D/17/3186743
2a Derek Avenue, West Ewell KT19 9HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Farzana McLaren against the decision of Epsom & Ewell Borough Council.
 - The application Ref 17/00301/FLH, dated 24 May 2017, was refused by notice dated 1 August 2017.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension at 2a Derek Avenue, West Ewell KT19 9HT. The permission is granted in accordance with the terms of the application Ref 17/00301/FLH, dated 24 May 2017, 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 the following approved plans: 000 (location plan), 003 (proposed floor plans), 004 (proposed elevations) and 005 (site plan).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect on the living conditions of the occupier of No 2 Derek Avenue, with regard to outlook.

Reasons

3. The appeal property is a two storey detached dwelling in a residential road, although neighbouring properties in this part of Derek Avenue, including No 2, are semi-detached.
 4. The main parties refer to a previous unsuccessful application for a first floor side extension (reference 16/00470/FLH) and indicate that the current application seeks to address the reasons for refusal of the earlier proposal.
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While I note the previous application, this appeal involves a separate proposal which I have considered on its own merits.

5. The extension would be set behind the pitched garage roof which is at the front of the property and would extend to the same depth as the existing two storey dwelling. It would be set in from the ground floor side wall of the appeal property by 0.5 of a metre.
6. The nearest ground floor room of the neighbouring property, No 2, is the kitchen. The principal outlook from this room is from the main rear-facing window. Due to the common rear building line along this part of the avenue, views of the extension from this window would not be possible. Consequently, any possible effects of the extension would be in relation to views from the side-facing kitchen door and window, from the passageway to the garden and from the garden itself.
7. The small window and door to the side would enable some views of the extension from positions close to these glazed openings. However, the set-back of the extension from the ground floor, together with the fact that this window and door provide a secondary outlook, which already is towards the side wall of the neighbouring property, means that there would not be any material harm to the overall outlook from this room as a result of the extension.
8. The kitchen door serves a short passageway, which provides access to the back garden. The properties are relatively close together at ground floor level and the passageway is a short, functional space to provide access to the rear. Taking these facts together with the extension's set-back from the ground floor, it would not have an overbearing appearance from this area.
9. Views of No 2a are readily available from No 2's garden, with a largely open aspect across the appeal property's garage roof. However, due to its subordinate roof height to the main house, inset from the side and same depth as the existing dwelling, the extension would appear as a proportionate addition in this setting. Consequently, the scale and appearance of the extension would not appear sufficiently dominant or incongruous from the neighbouring garden that it would cause unacceptable harm.
10. There are two small windows in the first floor side elevation of No 2. It is unclear whether these serve habitable rooms, but in any case the setback and lower roof height than the host dwelling means that the extension as viewed from these windows would not be dominant or overbearing.
11. Accordingly, for these reasons, I conclude that the proposal would not have an unacceptably harmful effect on the living conditions of the occupier of No 2 Derek Avenue, with regard to outlook. Consequently, there is no conflict with Policy DM10 of the Development Management Policies Document 2015, which concerns the design of new development including that proposals should have regard to the amenities of neighbours. This policy is consistent with the National Planning Policy Framework.

Other Matters

12. I have had regard to a number of other matters raised by the neighbouring occupier of No 2 Derek Avenue. These include potential loss of light to the side kitchen window and door. While I acknowledge the concerns expressed, due to the existing close proximity of the neighbouring ground floor side wall, the set-back of the proposed extension and the fact that the window and door are secondary light sources, I agree with the Council's assessment that any loss of natural light would not be significant and, therefore, would not cause material harm compared to the current situation.
13. Concern is also expressed about the effect of the extension on the street scene, particularly through the loss of the gap above the garage and this not conforming to the prevailing development typology. However, the appeal property is a later addition to the street and does not reflect the same uniformity of design and appearance as the neighbouring semi-detached dwellings. Moreover, I agree with the Council that the scale, proportions and position of the extension would result in it appearing subordinate to the host dwelling; and the degree of separation with No 2 means that there would be no visible 'terracing' effect between properties, nor would it give an appearance of overdevelopment.
14. I acknowledge that the extension would not conform to the aim to achieve a one metre set-back from the boundary referred to in the Council's *Householder Applications* Supplementary Planning Guidance. However, this is guidance that must be applied judiciously in the particular circumstances of the proposed development and I have already found above that no harm would result to the street scene.
15. Concerns are raised about the accuracy of some elements of the submitted plans. I was able, however, to ascertain the effects of the proposal from all the submitted material and the site inspection. The description of development together with the delineated additional development on the plans confirm that the proposal only involves a first floor side extension and not any additional changes at ground floor level.
16. There is no evidence from the plans or other submitted material to suggest that construction of the extension would lead to damage to neighbouring properties. Consequently, I cannot draw a firm conclusion on this matter nor can it have a direct bearing on the appeal's outcome.
17. Finally, it is suggested that other options could be explored to create additional living space. However, I am required to determine this appeal on the basis of the submitted proposal. Therefore, while I have had regard to all these matters, for the reasons given they do not lead me to reach a different overall conclusion.

Conditions

18. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match

those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.

19. For the reasons given above it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR