
Appeal Decision

Site visit made on 23 August 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd September, 2016

Appeal Ref: APP/K3605/W/16/3151802

Land to rear of 4 and 4a Castle View Road, Weybridge, Surrey KT13 9AB

- 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 Mr Simon Merchant against the decision of Elmbridge Borough Council.
 - The application Ref 2015/4401, dated 7 December 2015, was refused by notice dated 8 March 2016.
 - The development proposed is erection of a single storey detached 1 bedroom dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey detached 1 bedroom dwelling house at land to rear of 4 and 4a Castle View Road, Weybridge, Surrey KT13 9AB, in accordance with the terms of the application, Ref 2015/4401, dated 7 December 2015, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The application plans show a consented, two storey side extension to no. 4/4a Castle View Road. It has not, however, been built, and the planning permission has lapsed. I have in any case determined the appeal on the basis of the facts on the ground.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site is in a residential area near the centre of Weybridge. It is sited at the end of an access road serving a long row of 16 purpose built garages, which is bounded by a thin fringe of trees and shrubs and terminated by a high brick wall. The site is an open area, formerly a garden, enclosed by high timber fencing. It sits to the back of no. 4/4a Castle View Road, a two storey flatted block, and on the other side to the back of no. 5 Park Lawn Road, a chalet bungalow.

5. The site is in a sustainable location, within easy walking distance of the services and facilities, employment and transport connections of Weybridge town centre.
6. While the appeal site is in a suburban area characterised by houses or flats with gardens, the garden spaces in the vicinity are not typically of great size. The proposed dwelling is a modest, single storey, one-bedroom house with a pitched, hipped roof which would occupy around half of the modest appeal plot leaving a small but adequate garden space. Given the scale of the proposal therefore, and its proportionate relationship with its plot, it would not appear particularly cramped in its immediate or wider setting.
7. The proposed building would be set within its plot so that the garden space would be on the side adjoining no. 5 Park Lawn Road, maximising the separation distance between the two and placing the built element approximately half-way between that property and no. 4/4a Castle View Road. It would face the single storey garages across the access road. This spacing would ensure that it would not as a result appear unduly close to or unduly cramped in relation to the adjoining buildings.
8. The character and appearance of buildings in the area is very varied. Castle View Road includes a run of flatted blocks in the form of large white houses with wide eaves and pitched, hipped roofs, creating a strong character and form in part of the area. However the access road and garages are set at its very margin, and mark a transition to areas of other, contrasting built forms, including the six storey flatted blocks of Manor Court and the modest housing on Layton Court. Park Lawn Road to the rear comprises small houses and chalet bungalows in a variety of styles.
9. The appeal site is set at the end of the access road furthest from the highway, and would only be glimpsed from Castle View Road, while, given the separation and high boundary fences, only the hipped roof would be visible from Park Lawn Road.
10. In the absence of a consistent character or appearance to the area, and given the self-effacing character of the appeal dwelling and its relatively discreet location, it would not therefore cause any significant harm to the area in terms of a failure to integrate with the existing built form or in terms of an adverse visual impact.
11. I conclude that the appeal proposal would not harm the character or appearance of the area, and would not therefore conflict with Policy DM2 of the Elmbridge Development Management Plan 2015 (DMP), which seeks to protect the character and appearance of the area, with Policy CS4 of the Elmbridge Core Strategy 2011(CS) which seeks to ensure that new development integrates with and enhances the local character of Weybridge, or with Policy CS17 of the CS which seeks among other things that new development maximises the efficient use of urban land and integrates sensitively with the locally distinctive townscape. It would not conflict with the Framework where it seeks good design that responds to local character.
12. I have had regard to the Council's Design and Character Supplementary Planning Document (SPD), Part 5 Design Guidance: General Aspects of Design, in reaching a conclusion. The Council has referenced the SPD as requiring a minimum 22 metre gap between rear elevations. However, this part of the

SPD is clear that the 22 metre distance relates to the protection of privacy between facing rear elevations. It does not, therefore, lend support to the Council's case in respect of character and appearance.

13. The Council also mentions in its decision notice policy DM7 of the DMP, which relates to access and parking. There is nothing in the evidence provided to suggest that the Council considers that the appeal proposal conflicts with this policy, nor have I observed anything on site or in the evidence to indicate that it does.

Other Matters

14. The appellant has submitted a signed and dated Unilateral Undertaking to provide a financial contribution to off-site affordable housing in accord with Policy CS21 of the CS. He has however contested the need for such a payment. The Written Ministerial Statement of 28 November 2014 (the WMS) and subsequent alterations to the Planning Practice Guidance (the PPG) on planning obligations for affordable housing and social infrastructure contributions state that such contributions should not be sought from development of 10 units or less and which have a maximum combined gross floor space of no more than 1000m². This applies to the appeal scheme.
15. The Council has confirmed that despite the WMS it intends to continue to apply Policy CS21, to which it accords greater weight in the light of local circumstances, and in particular the exceptionally high median house prices in Weybridge. I accept that the development plan should be the starting point in decision making, and have had regard to the appeal decision (Ref; App/K3605/W/16/3146699) which has been put to me by the Council. However, I have also had regard to the other evidence put before me; in particular that relating to the Council's housing land supply which is based on a Strategic Housing Market Assessment which pre-dates the Framework and on figures derived from the abolished Regional Spatial Strategy.
16. As a consequence, whilst the development plan carries considerable weight, I do not consider that in this instance it outweighs the WMS and PPG which are the clearest and most up-to-date expressions of national planning policy. I conclude therefore that this justifies a decision being made other than in accordance with Policy CS21 of the CS, and that an affordable housing contribution is not required.
17. While it may be considered disingenuous to characterise the appeal site as disused land or an eyesore, rather than formerly part of the garden area attached to 4/4a Castle View Road Garden, this does not alter my conclusion that the effect of the proposed development would not have a harmful effect on the character and appearance of the area.
18. The concern that the boundary planting would have an effect in terms of blocking light to and requiring maintenance by the occupiers of adjoining properties is an issue that can be addressed through a landscaping condition.
19. An exacerbation of parking problems in the area and potential impacts on highways safety and access for emergency and service vehicles has also been raised. The small dwelling proposed would have access to garage parking for a car and would have cycle storage and is therefore unlikely to generate any additional on-street parking.

20. The issue of ownership of the access road is a matter between the relevant parties, and not within my jurisdiction.

Conclusion

21. For the reasons given above, and taking into account matters raised, I conclude that the appeal should be allowed.

Conditions

I have taken into account the conditions suggested by the Council. In the interests of clarity a condition is imposed requiring the implementation of the development in accordance with the approved plans. Conditions concerning the approval of materials and hard and soft landscaping before development commences are necessary and relevant to ensure that the appearance of the development is satisfactory. Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances, and I have therefore not followed the Council's suggestion in this respect. Submission of a Construction Method Statement is required to ensure that the development will not prejudice highways safety.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PD-CV-100/Rev. A; PD-14-CV-101/Rev. B; PD-14-CV-102/Rev. A; PD-14-CV-103/Rev. A; PD-14-CV-104/Rev. B; PD-14-CV-105/Rev. B.
- 3) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) hard surfacing materials;
 - iii) access features;
 - iv) existing trees and shrubs to be retained and the measures to be taken to protect them construction;
 - v) new planting; and
 - vi) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.