
Appeal Decision

Site visit made on 27 October 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/K3605/W/16/3154395

3 Gordon Road, Claygate, Esher KT10 0PJ

- 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 Phil Parnham of Evolution Development Projects Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2015/2589, dated 3 July 2015, was refused by notice dated 29 January 2016.
 - The development proposed is the addition of two second floor flats in the roof space of two existing first floor flats, and an access stairway to each.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since determination of the planning application, the Court of Appeal issued judgement in the case of Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441. This confirms that the policies in the Written Ministerial Statement of 28 November 2014¹ (WMS) relating to contributions toward affordable housing on small scale development should be treated as a material consideration in the determination of appeals. Both the appellant and the Council have been given the opportunity to comment and I have taken their comments into consideration in coming to my decision.

Main Issue

3. The main issue is the effect of the proposed access stairways and dormer windows on the character and appearance of the existing building and surrounding area.

Reasons

4. 3 Gordon Road is located on the junction of Gordon Road and Albany Crescent, facing directly down Albany Crescent toward the shops in the centre of Claygate such that this is a particularly prominent site. The building comprises two storeys that appears to have been constructed around the 1960's and contains four flats. The building differs in character and appearance from those around it, most of which are much earlier semi-detached and detached houses,

¹ National Planning Practice Guidance (PPG) reference ID: 23b-031-20160519

with some larger modern blocks of flats on the opposite side of Albany Crescent.

5. The proposal would result in an additional two flats within the roof space of the building. In order to provide access to the flats, two stair towers would be constructed to the rear corners of the building that would lead into a large rear dormer across the full width of the building. The stair towers would be prominent when viewed from the approaches to the site from the rear, particularly along Gordon Road. The shape of the stair towers and their connection to the building would provide a convoluted roof to the resulting building, with valley gutters visible from the side and the roof of the stair towers appearing truncated when viewed from the side and rear.
6. A small amount of pitched roof would be retained below the rear dormer and gable end features would be provided above each of the windows, with a pitched roof to the side that would be visible through the valley gutter between the existing roof and the proposed roof of the stair towers, with a flat roof above. This roof shape would add to the convoluted roof of the proposed building. Whilst I accept that the rear elevation would be visible only in limited views, it would further harm the character and appearance of the building.
7. Four dormer windows would be provided to the front roof slope. The two outer dormers would be large, with more modest dormer windows between them. The number of dormer windows means that they would be prominent within the roof slope. Whilst the outer two dormers would seek to reflect the bay windows beneath them, the size, in particular the width and depth of the dormers, results in the outer dormers being particularly prominent on the front elevation of the building. Consequently, the number and size of the proposed dormers would dominate the front of the building, prominent in views along Albany Crescent.
8. For the above reasons, the proposed dormer windows and stair towers would dominate the building such that they would harm the character and appearance of the surrounding area. As such, the proposed development is contrary to Policy DM2 of the Elmbridge Local Plan Development Management Plan, Policies CS11 and CS17 of the Elmbridge Core Strategy (CS) and the National Planning Policy Framework (the Framework) that seek to achieve high quality design that preserve or enhance the character of the area.

Other matters

9. A Unilateral Undertaking (UU) regarding the provision of affordable housing was submitted with the planning application in accordance with Policy CS21 of the CS, which requires a financial contribution toward affordable housing from small schemes. This policy is consistent with the Framework paragraphs 47 and 50 that require local planning authorities to meet the full, objectively assessed needs for market and affordable housing and, where they have identified that affordable housing is needed, set policies for meeting this need, which can include financial contributions if they are robustly justified. The application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise.
10. The WMS comprises a material consideration of considerable weight that states '*for sites of 10-units or less ... affordable housing and tariff style contributions should not be sought.*' The Council have sought to justify why this should not

outweigh Policy CS21 of the CS, including providing an appeal decision reference APP/K3605/W/16/3146699 that related to a single dwelling replacing a double garage on a site that is also in Claygate. I agree with the Inspector in that case that it is for the decision maker to weigh the circumstances of the case with relevant policies in light of material considerations, including local circumstances.

11. The Council provide evidence that confirms Elmbridge is the most difficult place in the country outside London for first time buyers to afford housing and small schemes contribute half of the homes to the supply of housing in the borough. Contributions from these small schemes have enabled the provision of new affordable housing units between 2011 and 2015.
12. In the light of this evidence, it seems to me that the delivery of affordable housing in Elmbridge involves special difficulties over and above those likely to be encountered in most other areas and contributions from small schemes, such as that proposed, contribute significantly to the ability of the Council to meet its requirements for affordable housing. I conclude that on the evidence presented, particularly in relation to the affordability of housing within this borough, there are particular circumstances to suggest that Policy CS21 should outweigh the WMS in this instance. No evidence has been presented as to other circumstances that would alter my conclusion.
13. I conclude that the affordable housing contributions in the UU are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development in accordance with paragraph 204 of the Framework and I have attached weight to the UU in coming to my decision.

Conclusion

14. Although I accept that the UU relating to affordable housing contributions should be taken into account, it would not outweigh the harm I have found to the character and appearance of the area. As such, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR