

## Appeal Decision

Site visit made on 13 December 2016

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 13 January 2017**

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**Appeal Ref: APP/K3605/W/16/3155374**

**5 Hinchley Way, Esher, Surrey KT10 0BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Borne Developments Ltd against the decision of Elmbridge Borough Council.
  - The application Ref 2016/0758, dated 3 March 2016, was refused by notice dated 28 July 2016.
  - The development proposed is development of land to rear of No. 5 Hinchley Way, Esher, Surrey, KT10 0BD for a single storey building for D1 (Healthcare/Medical/Surgery) use with associated access and parking.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application was made in outline with all matters other than access and layout reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as indicative, insofar as they relate to matters other than access and layout.

### Main Issue

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

### Reasons

4. The appeal site is an open parcel of land at the rear of a two storey children's nursery building. This land was formerly associated with the original school use of the nursery building and consists of a number of small outbuildings and a tennis court. It is located in a mature well-established residential area, typically characterised by large detached properties set back from the road with spacious rear gardens.
  5. To the north, west and east of the appeal site are the garden areas and the outbuildings associated with the adjacent residential properties. With the exception of a large single storey swimming pool building in a garden to the north, where outbuildings and other structures exist at the rear of the properties, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. This gives the area a strong
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- unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the gardens.
6. The outline proposal would involve the construction of a single storey building with some rooms in the roof space for a D1 use (Healthcare/Medical/Surgery) (493 sqm) positioned behind the children's nursery with associated access and parking. Given the previous use and location of the site, the appellant and the Council acknowledge that an additional community facility is acceptable in principle in this location. The indicative details provided show a single storey, brick and glass building, with a low tiled pitched roof, that would be centrally located within the site with vehicular access off Hinchley Way and parking focused between the existing nursery building and the new building and further parking on the edge of the site.
  7. The proposed development, although set down and set back from the boundary, would be situated in the characteristic open gap between the properties. Such positioning would compromise the sense of space and openness between these dwellings and interrupt the established rhythm of development in the area. In addition, as the result of the noise and disturbance associated with staff and visitors parking and traffic visiting and leaving the site, the quiet ambiance that currently contributes to the character of this primarily residential area, would be significantly and materially changed. In doing so the proposed development would not amount to a subservient form of development in this backland location and would fail to promote or reinforce the distinctive characteristic of this established residential area, as highlighted by the Inspectors for the previous appeals<sup>1</sup> on this site.
  8. The consequential harm would not in my view be sufficiently resolved by the limited effect of the single storey form of the proposal on the street scene. In any case, the site is viewed from the rear of a large number of surrounding properties and its currently undeveloped nature contributes to the character I have described. As such, I consider the development would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.
  9. I have considered the appellant's statement that the site layout and the position of the building has been carefully considered in response to the concerns raised in the previous applications for dwellings in order to maximise the distances from the adjacent properties and minimise any impacts on adjacent dwellings and the area. Whilst the indicative proposal showing a single storey building setback from the boundary with a landscaping scheme and boundary treatment would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
  10. I have considered the appellant's comments that the layout and access arrangements of the proposed development would be comparable to other cul-de-sac style developments in the area such as Meadow Close and Cumberland Drive. However, the appeal site has different site specific characteristics as highlighted by the Inspectors for the previous appeals and the existing residential developments have different development characteristics to the appeal scheme.

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<sup>1</sup> APP/K3605/A/14/2227228, APP/K3605/A/14/2227230 and APP/K3605/A/16/3149160

11. Consequently, I conclude that the development would harm the character and appearance of the area. It would conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015, Policies CS8 and CS17 of the Elmbridge Core Strategy 2011 and the Elmbridge Design and Character Supplementary Planning Document 2012 insofar as they seek to ensure that proposals are of a high quality design that responds to the local character and distinctiveness of the area. The proposal would also not accord with the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

### **Other Matters**

12. In reaching my decision, I have taken account of the issues raised by interested parties. I have noted the concerns from the local residents to the proposal. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.
13. These concerns include highway safety and parking pressures in the area. However, whilst I recognise the frustrations and inconvenience to local residents from on-street parking pressures, I note that the Highway Authority has identified no adverse impact on highway safety. Provided the drivers exercise due care and attention I do not disagree with that view. Nevertheless, I observed at the time of my site visit that the area outside the appeal site experienced on-street parking pressures and as I outlined above, I accept that there would be an effect on the character of this primarily residential area from noise and disturbance associated with additional vehicular movements by staff or visitors from the proposed building looking for parking places. Whilst not in itself of sufficient weight to justify dismissal of the appeal, that matter adds to the harm that I have identified.
14. I acknowledge the appellant's comment that one of the core planning principles of the Framework is to encourage the effective use of land by using land that has previously been developed and that this land is currently surplus to requirements. In addition, I accept that the scheme would provide a service for the community in a sustainable location close to local facilities and public transport. It therefore would accord with the Framework's objective of supporting economic growth. However, I have little evidence before me regarding the level of demand for such a self-contained D1 health care use locally. In any case, the benefits arising from this proposal would not outweigh the harm I have outlined above and as such the proposal would not amount to sustainable development as envisaged by the Framework.

### **Conclusion**

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR