
Appeal Decision

Site visit made on 17 January 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 03 February 2017

Appeal Ref: APP/K3605/W/16/3163028

Land to the rear of 17-19 Church Street, Weybridge, Surrey KT13 8DE

- 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 Weybridge Property Investments Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1403, dated 3 May 2016, was refused by notice dated 19 October 2016.
 - The development proposed is detached part four/part three/part single storey building comprising 7 flats with associated bins and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for detached part four/part three/part single storey building comprising 7 flats with associated bins and cycle stores at land to the rear of 17-19 Church Street, Weybridge, Surrey KT13 8DE in accordance with the terms of the application ref 2016/1403 dated 3 May 2016, subject to the conditions set out in the schedule to this decision letter.

Preliminary Matters

2. The description of the development varies between the application form and the subsequent documents. I have used the description given on the decision notice as it describes the proposal more clearly.

Application for costs

3. An application for costs was made by Weybridge Property Investments Ltd against Elmbridge Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, with particular reference to outlook.

Reasons

5. The appeal site comprises a vacant plot which is located within Weybridge town centre. The proposal would create a new block of seven flats. The site would offer a sustainable location for housing, and the principle of the development is considered to be acceptable by the Council. I agree with that position.
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6. However, the Council is concerned about the outlook from Flats 1 and 2, which would occupy the ground floor of the development. On the western elevation, the bedrooms of Flats 1 and 2 would be provided with high level windows, which would be the only source of light and outlook for these rooms. This arrangement has been proposed to protect the privacy and security of future occupants as the site immediately abuts a car park.
7. The windows would be clear glazed, allowing some degree of outlook, and also some sunlight. Although shallow, they would be relatively wide in proportion to the spaces they would serve, providing adequate natural light to the bedrooms. This would particularly be the case for Flat 2, whose bedroom would be provided with two windows.
8. The Council's document entitled 'Elmbridge Local Plan Design and Character Supplementary Planning Document' (SPD, April 2012) addresses amenity issues, and requires that new development should not have a negative effect on light and outlook from windows and amenity spaces. I accept that the height of the windows would limit the outlook from these habitable rooms. However, each flat would be provided with glazed double doors from the living spaces to the outdoor areas, and satisfactory outlook would be thus provided from the ground floor living area in each case. Consequently, in overall terms, the outlook for the occupants of Flats 1 and 2 would be acceptable, and would accord with the SPD. On balance, therefore, the more limited outlook from the bedrooms would not be so detrimental as to justify the withholding of planning permission.
9. I conclude that the proposal would provide satisfactory living conditions for future occupiers. It would thus comply with Policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015), insofar as it seeks to protect the amenity of adjoining and potential occupiers and users. It would also comply with Policy CS17 of the Elmbridge Core Strategy (July 2011), which amongst other things requires new development to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land. It would further accord with the National Planning Policy Framework, which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

10. I have had regard to the concerns raised by neighbours, including the effect of the proposal on parking and vehicular usage in the area. The scheme would not include any parking spaces for the new flats, but the Council considers this to be acceptable in a location close to services and public transport, and I have no basis on which to take a different view. I note that the Highway Authority has assessed the impact of the proposal on highway safety and capacity, and found the scheme to be acceptable in that regard. I am therefore satisfied that the proposal would not be detrimental to highway interests. Any impact from the proposal on adjacent parking spaces would be a private matter between the relevant parties.
11. Adequate bin storage would be provided within the site for the proposed flats. I have had regard to the submitted photographs of bins in the vicinity, and I note residents' concerns regarding current and future refuse management. However, this is a private matter between the relevant parties, and has not had a bearing on my decision.

12. In terms of residential amenity, concern has been voiced in respect of loss of light to residences at 15a and 7-9 Church Street. However, I am satisfied that sufficient separation distances would be achieved by the development so as to preserve acceptable light levels at these properties.
13. Concerns have also been raised regarding overcrowding, criminal and antisocial behaviour, noise, privacy, and negative impact on local businesses. However, I note that the Council has not raised these matters in their reason for refusal, and there is no detailed evidence before me relating to the problems that have been alluded to. Any disruption during construction would be for a temporary period only, and would not justify the withholding of planning permission. Any damage caused to the access road during construction would be a private matter between the parties involved. I am satisfied that any impact on trees would be managed by the imposition of suitable conditions.
14. Objections have also been voiced regarding the appearance of the development. The new block would be contemporary in design, and would respond well to the constraints of the site. It would be in keeping with the scale and appearance of the modern red brick building immediately to the east, and of the nearby library building. The appeal site is located just outside the Weybridge Town Centre Conservation Area, and so would affect its setting, but I am satisfied that it would preserve the character and appearance of the conservation area. My attention has been drawn to the presence of the Church of St James, which is grade II* listed. However, the separation distance between the church and the development would be such that its setting would also be preserved. I therefore conclude that the development would not adversely affect the character or appearance of the surrounding area, or the settings of the designated heritage assets.
15. In their statement of case, the Council refers to the unilateral undertaking which has been submitted by the appellant in respect of the affordable housing contribution required under CS Policy CS21. As this matter has not been raised within the reason for refusal, I have not considered it further within my decision.

Conditions

16. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the PPG. As a result, I have amended some of them for clarity and brevity.
17. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials, landscaping and trees are appropriate in the interests of character and appearance. A condition requiring obscure glazing is necessary to ensure privacy. A condition requiring a Construction Method Statement is necessary to ensure there are no significant adverse impacts upon surrounding occupiers, or upon the highway. A condition relating to archaeology is necessary to protect heritage interests.
18. It is essential that the requirements of Conditions 3, 5, 6, 7, 9 and 12 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

Conclusion

19. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR

SCHEDULE OF 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: 1379 P01, 1379 P02a Rev A; 1379 P03b Rev B; 1379 P04a Rev A; 1379 P05b Rev B; 1379 P06b Rev B; 1379 P07b Rev B.
- 3) No development shall take place until samples of the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 4) The windows above the ground floor level the north/rear elevation of the development hereby permitted shall be glazed with obscure glass and shall be non-openable unless above 1.7m over the finished floor level of the room they serve. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.
- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - programme of works, including measures for traffic management;
 - the erection and maintenance of security hoarding;
 - measures to prevent the deposit of materials on the highway during construction;
 - delivery and construction working hours.

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

- 6) No development shall take place until a Written Scheme of Investigation, including a programme of archaeological work, shall have been submitted to

and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 7) No development shall take place until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of: all hard surfaces, walls, fences, and access features; any existing trees or planting to be retained; any new planting, and; measures to be taken to protect any existing features during the construction of the development.
- 8) The landscaping works shall be carried out in accordance with the approved details before the end of the first planting and seeding season following occupation of the dwellings or completion of the development, whichever is sooner. Any tree or plant detailed in the approved landscaping scheme which is removed, dies, or becomes severely damaged or diseased within five years of the completion of development shall be replaced with a tree or plant of a comparable size and species in the next planting season.
- 9) No development shall take place until further arboricultural details have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:
 - The measures to protect existing trees and hedges during construction, demolition, and delivery of materials/machinery;
 - A report on supervised trial excavations to determine whether significant roots are present in the location of the proposed foundations;
 - Specialist foundation specifications to limit any impact on the root systems of retained trees, if significant roots are found.
 - Construction method of the boundary next to T1, as identified in the Arboricultural Method Statement dated October 2016.

Tree protection shall be maintained and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site.

- 10) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. All tree work shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.
- 11) If any retained tree is cut down, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use, another tree shall be planted at the same place and that tree shall be of

such size and species and shall be planted at such time as may be specified in writing by the local planning authority.

- 12) No works or development shall take place until a scheme of supervision for the arboricultural protection measures shall have been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works. On completion of the development, written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist shall be submitted to the local planning authority. The scheme of supervision shall be implemented as approved.