
Appeal Decision

Site visit made on 19 June 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/K3605/W/17/3168617

115 Thorkhill Road, Thames Ditton KT7 0UW

- 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 and Mrs G Thompson against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1628, dated 22 April 2016, was refused by notice dated 8 September 2016.
 - The development proposed is demolition of existing garage belonging to 115 Thorkhill Road fronting Thorkhill Gardens; Erection of a 2 bedrooomed 2 storey starter home with off street parking with attached granny annexe at bottom of rear garden. Associated landscape design and tree planting.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the living conditions of the occupiers of 1 Thorkhill Gardens, with particular reference to privacy and outlook; and
 - c) whether a financial contribution is necessary towards affordable housing provision in the area.

Reasons

Character and appearance

3. The appeal site comprises part of the garden belonging to 115 Thorkhill Road. The land contains a number of domestic outbuildings including a single garage which is served by a driveway onto Thorkhill Gardens, sandwiched between 1 Thorkhill Gardens and the car park belonging to Thorkhill Surgery. The garage itself directly abuts the northern flank wall of No 1 and is seen in the context of that property and others within the Thorkhill Gardens cul-de-sac.
 4. The front section of the proposed dwelling would occupy a built footprint similar to that of the garage but it would be substantially taller and with a steeply pitched roof. In my opinion, the vertical proportions of the building would draw attention to the development as being visually incongruous.
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5. Thorkhill Gardens is characterised by modern detached houses of similar design on reasonably wide plots. Some of the properties have had two-storey extensions to the side but in most cases care has been taken to maintain the gaps between individual dwellings and the general feeling of spaciousness. The proposed development would read not as an addition to No 1 but as a separate structure. The juxtaposition of buildings would make the scheme appear cramped and out of character with the cul-de-sac as a whole.
6. It is contended that the proposal would benefit the area by replacing an unsightly garage and screening the blank side wall of No 1. However, in my opinion neither structure is particularly unattractive. I have therefore attached this argument limited weight.
7. The Council raises no specific concerns regarding the rear part of the dwelling which would be single storey with shallow mono-pitched roofs behind parapets. This design, whilst not necessarily reflective of surrounding development, would be unobtrusive from the street and neighbouring properties. In my judgement, there would be no significant harm to the character and appearance of the area arising from this aspect of the scheme.
8. However, this does not negate or outweigh my earlier finding regarding the two-storey element. I therefore conclude that the proposal would cause material harm to the character and appearance of the area contrary to Policies CS8 and CS17 of the Elmbridge Core Strategy (2011) (ECS) and Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (DMP). These policies require high quality design which takes account of the local character.

Living conditions

9. The two-storey element of the proposed dwelling would project beyond the rear wall of No 1 by approximately 3 metres. Residents of the adjoining property already have a view onto the side of the existing garage which is of similar depth. However, this structure is single storey whereas the proposal is for a solid wall with a height well in excess of 5 metres.
10. No 1 has a large garden with an open aspect and good levels of sunlight. However, the siting of such a tall masonry structure on the boundary directly adjoining one of the main sitting-out areas would be visually oppressive. The removal of mature planting along the northern garden boundary would not compensate for this adverse impact.
11. Concerns have also been raised regarding potential overlooking from the annexe. However, given the single storey nature of this part of the scheme and the proposal for replacement fencing along the boundary, the height of which could be controlled by planning condition, I do not consider that there would be a material loss of privacy for the occupants of No 1.
12. Notwithstanding this, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of 1 Thorkhill Gardens. It would thus conflict with Policies CS8 and CS17 of the ECS and Policy DM2 of the DMP insofar as they seek to ensure that new development protects the amenities of those living within the area.

Affordable housing

13. The Council's position is that a financial contribution should be made towards off-site affordable housing provision, in line with the requirements of Policy CS21 of the ECS. The appellants contend that such a contribution is unnecessary, citing Government policy set out in the Written Ministerial Statement (WMS) of 28 November 2014 and the Planning Practice Guidance (PPG) which states that contributions should not be sought from developments of 10-units or less. It is further argued that a request for monies would render the development unviable.
14. S38(6) of the Planning and Compulsory Purchase Act 2004 dictates that the starting point for my assessment should be the development plan. A decision contrary to the development plan should only be made where material considerations indicate that such a departure is justified.
15. The WMS and PPG both post-date Policy CS21 and are significant material considerations to which I must attach significant weight. However, I have also given great weight to the evidence provided by the Council in respect of the acute housing affordability issues being experienced within Elmbridge and the important contribution made by small sites to the supply of new homes. This information is sufficient to persuade me that, in the absence of any firm evidence to demonstrate that an affordable housing contribution would make the appeal scheme unviable, Policy CS21 should continue to be applied. That the proposal would be self-build does not alter my view on this point.
16. On the basis of the evidence before me, I conclude that other material considerations do not outweigh development plan policy in this particular case. The lack of a planning obligation to secure an affordable housing contribution therefore adds to the reasons for the appeal scheme being unacceptable.

Other Matters

17. The appellants have identified by reference to individual policies the ways in which the proposal would accord with the development plan. There is no dispute that the scheme would make efficient use of previously developed land to provide good quality, sustainably constructed living accommodation. Furthermore, the development would make a modest contribution to the supply of housing in a location with good access to services and facilities. These are all positive factors which I have taken into account. However, in the final balance they are outweighed by the harms identified above.
18. Residents have expressed concerns regarding lack of parking and increased traffic. However, given the small number of vehicle movements likely to be generated by the development, and the availability of on-street parking in the locality, these matters would not constitute reasons for dismissing the appeal.
19. Concerns have been raised regarding the implications for flood risk. The appellants have provided a revised Flood Risk Assessment as part of the appeal process which concludes that the development would be safe without increasing flood risk elsewhere. The Council has not commented on the document and consequently I do not know whether its objection has been overcome. However, I am dismissing the appeal for other reasons and therefore my decision does not turn on this matter.

Conclusion

20. In light of my findings above, I conclude that the proposal does not comply with the development plan taken as a whole and does not represent sustainable development in the terms of the National Planning Policy Framework. There are no material considerations which would warrant a decision other than in accordance with the development plan.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR