



Appeal Decision

Site visit made on 9 August 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 31st August 2017

Appeal Ref: APP/K3605/W/17/3172080

Land to rear of 74 to 128 Speer Road, Thames Ditton KT7 0PP

- 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 James Sorrentino of Lightwood Property Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2016/2364, dated 18 July 2016, was refused by notice dated 6 February 2017.
 - The development proposed is described as 'Construction of 2 No. semi detached residential dwellings and an office building with associated parking on the land to the rear of Nos 74-128 Speer Road, Thames Ditton utilising existing access'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address for the site used by the Council on its decision notice and by the appellant on the appeal form is different to that appearing on the application form. The address used by the Council is more explicit, given that the site lies behind 74 to 128 Speer Road (Nos 74 to 128) rather than just being at No 74 and I have therefore referred to the site as being to the rear of Nos 74 to 128 in the banner heading above.
3. Prior to the application's determination by the Council, some of the application plans were amended to address the development's proximity to the trees that are subject of a tree preservation order (TPO). I have therefore only had regard to the drawings that formed the basis of the Council's decision.
4. In response to the second reason for refusal the appellant has submitted a Unilateral Undertaking (UU) under Section 106 of the Act. The UU would obligate the appellant to make an affordable housing contribution of £95,455.22 prior to the commencement of the development. I shall make further reference to the UU in my reasoning below.
5. The appellant and the Council have both referred to a previous planning application (2015/2004) for a development of two houses at the site. Planning permission for that scheme was refused and the subsequent appeal (APP/K3605/W/15/3136486) was dismissed on 22 January 2016. However, the appeal decision and associated drawings were not submitted by the parties as part of their cases. Accordingly at my request, and for the purposes of clarification, the appellant has submitted background information relating to the previous application.

Main Issues

6. The main issues are: the effect of the development on the character and appearance of the area; and whether the development would make adequate provision for affordable housing.

Reasons

Character and Appearance

7. The development would involve the construction of a pair of two storey, semi-detached houses to the rear of Nos 106 to 112 and a two storey office building behind Nos 74 to 80, with the latter replacing a single storey building. The site comprises a partly treed strip of land and a hard surfaced rear access serving Nos 74 to 128. Nos 74 to 128 are purpose built flats arranged in small blocks that have the appearance of being semi-detached houses. The site lies to the south of housing in Summer Road and to the west of an extensive sports ground. There are a number of trees within the site that are subject to the TPO.
8. The site occupies a backland position and marks the transition between the housing fronting Speer Road and Summer Road and the sports ground. The presence of the mature protected trees gives the site a verdant appearance, which I found to be compatible with its surroundings. The development would in part introduce a pair of houses into an area which is characterised by road frontage housing. While there is nothing objectionable about the design of the houses, their siting would nevertheless be uncharacteristic of this area. That is because the houses would occupy a comparatively isolated location and they would not conform to the pattern of built development within the site's immediate vicinity. When viewed from the interior of the neighbouring dwellings or their gardens, the houses would appear detached from the other residential development in the immediate area.
9. The appellant contends that the inclusion of the office building in the scheme would make the pair of houses less isolated. Isolation being a concern highlighted by the Inspector who dismissed the previous appeal. However, there would be a considerable degree of physical separation between the houses and the office building and I fail to see how providing the latter would assist in integrating the former into their surroundings. I am also not persuaded that resurfacing the access would help to assimilate the houses with their surroundings.
10. While other examples of backland development have been referred to, each case must be considered on the basis of its site specific circumstances. Accordingly the existence of developments that have been granted permission elsewhere does not persuade me that planning permission should be granted for a scheme that would be harmful to the area's character and appearance.
11. For the reasons given above I conclude that the housing element of the development would be harmful to the character and appearance of the area. There would therefore be conflict with Policies CS8 and CS17 of the Elmbridge Core Strategy of 2011 (the Core Strategy), Policy DM2 of the Elmbridge Local Plan Development Management Plan of 2015 (the DMP) and paragraphs 58 and 64 of the National Planning Policy Framework. That is because the development would not be in keeping with the prevailing pattern or layout of

development in this part of Thames Ditton and it would not enhance the streetscene or add to the overall quality of the area. Policy DM1 of the DMP is an overarching type of policy and conformity with this policy only arises when other policies of the DMP are complied with or other material considerations indicate that planning permission should be granted. I have identified that there would be conflict with Policy DM2 of the DMP and accordingly by default there would also be conflict with Policy DM1.

12. Policy DM10 of the DMP indicates that development behind other housing may be acceptable provided, amongst other things, it would respect an area's character. However, as I have found that the siting of the houses would not respect the area's character I consider Policy DM10 does not offer support for this development.

Affordable Housing

13. Policy CS21 of the Core Strategy addresses affordable housing provision and aims to deliver 1,150 affordable homes between 2011 and 2026 through a combination of on and off site provision. Under the terms of Policy CS21 for schemes of up to four dwellings developers are required to make financial contributions equivalent to the cost of 20% of the gross number of dwellings.
14. To be compliant with Policy CS21 the appellant has calculated that an affordable housing contribution of £95,455.22 would be necessary. That is the sum that the appellant would be obligated to pay under the terms of the UU. The Council has not commented on the appropriateness or otherwise of the contribution that the UU would obligate the appellant to pay. I therefore consider that the Council must be content that a contribution of £95,455.22 would meet the requirements of Policy CS21. I therefore conclude that with the payment of the affordable housing contribution the development would adequately provide for affordable housing and that there would be no conflict with Policy CS21.

Other Matters

15. I consider that the degree of physical separation between the houses and the office building and the neighbouring properties would mean that the occupiers of the latter would experience no unacceptable overlooking. I am also of the opinion that the occupiers of the houses would be provided with adequate garden areas and that the volume of traffic generated by the development would not adversely affect highway safety. I also consider that it should be possible to implement the development without there being harm to the protected trees or the site's biodiversity value.
16. The previously mentioned matters count in favour of the development, however, I find them to be outweighed by the harm to the character and appearance of the area that I have identified. While the scheme would involve the reuse of previously developed land I am not persuaded that this factor would outweigh the harm I have identified.
17. The Environment Agency (the EA) has maintained its objection to the development on flood risk grounds, notwithstanding the absence of a reason for refusal relating to this matter. The EA has cited concerns about the adequacy of the submitted flood risk assessment (FRA). The site falls primarily within flood zone 2, although part of it is in zone 3, and the EA is

concerned that the FRA has incorrectly identified the River Mole, rather than the Thames, as the main source of flooding for this site. The EA also contends that inadequate information has been provided to establish what effect this development might have on the floodplain's capacity and the potential for the risk of flooding to be increased off-site.

18. In the light of the evidence provided by the EA I consider that the risk of flooding remains an unresolved matter, which might not be resolved by the imposition of a planning condition were the appeal to be allowed. However, as I have found that the development would be harmful in other regards, the outcome of this appeal does not turn on the matter of the risk of flooding. I therefore do not need to consider this matter any further.

Conclusion

19. While I have found that the development would make adequate provision for affordable housing, it would cause unacceptable harm to the character and appearance of the area. That harm gives rise to conflict with local and national planning policies and I therefore conclude that this would be an unsustainable form of development. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR