



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/17/3174860

20 Russet Close, Hersham, Walton-on-Thames KT12 4QJ

- 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 Enver Sengul against the decision of Elmbridge Borough Council.
 - The application Ref 2016/2678, dated 22 April 2016, was refused by notice dated 5 December 2016.
 - The development proposed is described as 'add two additional dwellings to the plot of no. 20 Russet Close. There will be no change of use'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While not referred to in the description of the development appearing on the application form, the scheme would involve the construction of a single storey rear extension, as well as the provision of two new houses. As the Council has taken account of the rear extension in determining the planning application I have also had regard to it in making my decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions for the occupiers of the new houses and 20 Russet Close (No 20), with particular regard to outlook and outdoor space;
 - the effect of the development on the living conditions of the occupiers of 1, 1A and 3 Broad Close (Nos 1, 1A and 3) and No 21 Russet Close (No 21), with particular regard to outlook and light; and
 - whether the development would make adequate provision for affordable housing.

Reasons

Character and Appearance

4. The development would involve the construction of a two bedroom house (house A) attached to No 20 and a detached one bedroom house (house B) as a replacement for No 20's double garage. Apart from the rear extension the development would also include the formation of two parking spaces in front of No 20 and house A.
5. No 20 is one half of a pair of semi-detached houses, No 21 being the other half. The remainder of the properties in Russet Close are terraced houses, while Broad Close for the most part is characterised by semi-detached houses.
6. While No 20 occupies a comparatively large plot for Russet Close and Broad Close this plot is irregularly shaped and houses A and B would have very modest plots. House B, in particular, would be sited in very close proximity to three of its boundaries. I consider house B would have a very cramped and incongruous appearance, notwithstanding the fact that Russet Close and Broad Close are relatively high density streets. The incongruity of house B would be accentuated by the fact that it would be orientated at right angles to Russet Close, presenting a bland, two storey, flank elevation to the street. House A would also have very little space about, given the limited extent of its plot and its siting relative to some of its boundaries.
7. I consider that in combination houses A and B would amount to an overdevelopment of the site, which would have the appearance of being obvious uncharacteristic additions in Russet Close.
8. I therefore conclude that the development would be harmful to the character and appearance of the area. The development would therefore conflict with Policies CS5 and CS17 of the Elmbridge Core Strategy of 2015 (the Core Strategy), Policy DM2 of the Elmbridge Local Plan Development Management Plan of 2015 (the DMP) and paragraphs 17 (the fourth core planning principle), 56, 58, 61 and 64 of the National Planning Policy Framework (the Framework). That is because the development would be of a poor standard of design, with it failing to respect its surroundings or improve the character and quality of the area.

Living conditions for the occupiers of the development and No 20

9. House B would essentially be a single aspect dwelling, with the ground floor window in the western elevation providing no meaningful outlook, given the very close proximity of the boundary enclosure. As there would only be 4.725 metres between the windows in the eastern elevation of house B and house A's side elevation, I consider the occupiers of house B would have a very poor outlook. That poor outlook would provide house B's occupiers with unacceptable living conditions. The fact that house B's floor area would comply with the national floorspace standards would not provide mitigation for the poor level of outlook.
10. House B would only have a front garden area, which would lack privacy unless it was enclosed by fencing. However, if that garden was to be enclosed by fencing then I consider that this would further impact on the limited outlook from within the interior of house B. I therefore consider it would be inappropriate for house B's garden to be enclosed and the effect of that would

be that the users of this garden would have no privacy. I therefore find that house B would provide very poor living conditions for its occupiers.

11. No 20 and house A, as family sized properties, would have small garden areas available to them and I consider that the available outdoor space would be insufficient to meet the needs of the occupiers of these houses.
12. For the reasons given above I conclude that the development would provide unacceptable living conditions for occupiers of the new houses and No 20. The development would therefore be contrary to Policy DM2 of the DMP and paragraph 17 (the fourth core planning principle) of the Framework because it variously would fail to provide the occupiers of houses A and B and No 20 with acceptable living conditions. While the second and third reasons for refusal cite conflict with Policies CS5 and CS17 of the Core Strategy I consider that not to be the case because those policies do not expressly address the protection of living conditions.

Living conditions for the occupiers of the neighbouring houses

13. House B would be sited at the end of the comparatively short rear gardens of Nos 1 and 3 and because of that house B's siting and height would cause the partial enclosure of the neighbouring gardens. I consider that the increased enclosure of the neighbouring gardens would adversely affect the outlook from those areas, causing unacceptable harm to the living conditions of the occupiers of Nos 1 and 3. I, however, consider that there would be sufficient physical separation between houses A and B for them not to have a harmful effect on the outlook from the interior of the houses at Nos 1 and 3.
14. There is little space between No 1A and the boundary it shares with No 20 and the internal outlook from No 1A is towards a boundary enclosure at very close quarters. I therefore consider that the siting of houses A and B would have no effect on the outlook from the interior of No 1A. The siting of No 1A's external space relative to houses A and B would mean that they would have no effect on the outlook from No 1A's garden.
15. The siting of houses A and B would mean that there would be some potential for there to be a reduction in the receipt of light to Nos 1 and 3, most particularly to the rear gardens. However, the daylighting assessment submitted as part of the appellant's appeal case indicates that the extent of any overshadowing associated with the siting of houses A and B would be very limited. I therefore consider that the presence of houses A and B would not cause any unacceptable loss of light for the occupiers of Nos 1 and 3.
16. The extension to No 20 would project along the entire rear garden boundary shared with No 21. The extension's depth and height would therefore have the potential to affect the outlook from No 21's kitchen and garden. However, I consider that the effect on the outlook for the occupiers of No 21 would be at a level that would not harm their living conditions. That is because the natural line of sight from No 21's kitchen window is towards this property's garage, while the corner siting of No 21 provides this house with an open aspect side/rear garden. I am also of the opinion that the extension's siting and height would have no significant effect on the receipt of light to No 21. I therefore find that the extension would not be harmful to the living conditions of No 21's occupiers.

17. For the reasons given above I conclude that the development would unacceptably harm the living conditions of the occupiers of Nos 1 and 3 because of the adverse effect on the outlook from within the rear gardens of those neighbouring houses. There would therefore be conflict with Policy DM2 of the DMP and paragraph 17 (the fourth core planning principle) of the Framework because the development would not protect the living conditions (amenity) of the occupiers of Nos 1 and 3, given the loss of outlook that would arise.

Affordable Housing

18. Policy CS21 of the Core Strategy and the related Developer Contributions Supplementary Planning Document of 2012 address affordable housing provision. Policy CS21 aims to provide 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 for affordable housing equivalent to the cost of 20% of the gross number of dwellings within a development.
19. The appellant has submitted no evidence on this issue, which concerns the sixth reason for refusal. Given the Council's evidence addressing the need for affordable housing, I can only take it that the appellant accepts that there would be a need for an affordable housing contribution to be paid. To secure the payment of such a contribution the appellant would need to enter into a planning obligation, made pursuant to Section 106 of the Act.
20. The appellant has not entered into a planning obligation and accordingly I conclude that the development would make inadequate provision for affordable housing. There would therefore be unacceptable conflict with Policy CS21 of the Core Strategy.

Conclusions

21. For the reasons given above I have found that the development would be harmful to: the character and appearance of the area; the living conditions for the occupiers of houses A and B and No 20; and the living conditions of the occupiers of Nos 1 and 3. I consider the cumulative harm that I have identified indicates that the construction of houses A and B would be an over development of this site. I have also found that the development would fail to make adequate provision for affordable housing in the Council's area.
22. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR