



Appeal Decision

Site visit made on 17 October 2017

by Rory MacLeod BA MRTPI

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

Decision date: 15th December 2017

Appeal Ref: APP/K3605/W/17/3180558

28a Green Lane, Hersham, Walton-on-Thames, Surrey KT12 5HD

- 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 Ronald Collman against the decision of Elmbridge Borough Council.
 - The application Ref 2017/1565, dated 15 May 2017, was refused by notice dated 10 July 2017.
 - The development proposed is extension of existing single storey side extension and conversion into new separate semi-detached one bedroomed single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the surrounding area and whether there should be a requirement for a contribution towards the supply of affordable housing.

Reasons

Character and appearance

3. The appeal relates to a detached two storey house on the corner of Green Lane with Burlea Close. It has been enlarged by a single storey extension on its northern side with an area of hard standing between this and the side boundary with 26 Green Lane which is a bungalow. The surrounding area is residential in character and comprises a mixture of houses, bungalows and chalet bungalows with variation in their size, design and their plot widths.
4. The proposal is to increase the width and depth of the side extension to form a separate one bedroom dwelling with the front and rear gardens being divided between the host and proposed dwellings. The present crown roof would be continued over the dwelling and the treatment to walls, tiles and windows would match those on the present extension. The depth of the extension at the rear has been increased from that on a previous application to enable provision of an internal floor area of just over 37 square metres. This satisfies the minimum requirements for a dwelling with a shower in the nationally described space standards. The proposed dwelling would be small but would have a satisfactory internal layout and benefit from adequate lighting to front and rear windows and sufficient garden areas.

5. Policies CS1 and CS2 of the Elmbridge Core Strategy 2011 (CS) cover the provision, location and distribution of new housing. The Council will encourage appropriate housing development on previously developed land within the urban area, and through the use of the existing building stock by various means including through sub division or conversion, on all sites suitable for that purpose, but also taking into account other policy objectives. The proposal would make a small contribution to meeting the need for additional housing. Policy CS17 of the CS recommends an overall housing density target of 40 dwellings per hectare. The appellants have demonstrated that the proposal would satisfy this requirement and contend therefore that the development would not be 'cramped' in relation to density.
6. However, Policy CS17 also requires new development to be of high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations. Furthermore, Policy DM2 of the Elmbridge Development Management Plan 2015 states that all development proposals should achieve high quality design and preserve or enhance the character of the area, taking account of design guidance detailed in the Design and Character SPD when appropriate to do so.
7. Whilst the residential character of the surrounding area is varied, the appeal site forms one of a row of four detached dwellings on relatively wide plots that have a spacious quality. It would be viewed in this context and would appear as a low and relatively cramped dwelling by comparison. As a new dwelling, it would not relate well to the built form of the other dwellings in this row and so would not enhance the public realm and street scene. It would not produce the high quality design that responds to local character that is required by policies CS17 and DM2 and would thereby be in conflict with their provisions.
8. I am mindful that the appellants have applied twice before for a dwelling on this site and have tried to address previous refusal reasons. They point out that the proposal would assist in meeting the Council's housing targets, comply with internal space standards and density standards, provide sufficient private open space and safeguard trees on the site. However, these factors do not individually or in combination outweigh the harm to the character of the area that I have identified.

Affordable housing

9. Policy CS21 of the Elmbridge Core Strategy requires that development resulting in the net gain of 1-4 residential units should provide a financial contribution towards affordable housing. This should be the equivalent to the cost of 20% of the gross number of dwellings on site and the Council has calculated the contribution for the appeal proposal to be approximately £37,000.
10. Planning Practice Guidance (PPG) states that affordable housing contributions should not be sought on sites of 10 units or less. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 affirms that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There is therefore conflict between the requirements of the Council's development plan and PPG. PPG clearly post-dates the development plan and is a material consideration to which considerable weight should be attached as the most up to date statement of national planning policy on this issue. The weight to be attached to both sides of this conflict is a matter for the decision maker.

11. The Council has provided up to date evidence to support the continued relevance of policy CS21 and the acute need for affordable housing provision in the borough. Their June 2016 and February 2017 statements confirm that Elmbridge has one of the highest average house prices in the UK and that the Council remains reliant on small site contributions to meet affordable housing policy objectives. Having regard to the particular shortage of affordable housing in Elmbridge and the contribution that small sites make towards its provision, I conclude in this instance that PPG, as a material consideration, does not outweigh the requirements of the development plan.
12. The appellants consider that the requirement for a financial contribution towards affordable housing could make the whole project untenable. Paragraph 50 of the National Planning Policy Framework (the Framework) stipulates that any such contribution should be robustly justified. The Council's evidence confirms the use of viability assessments when applicants consider that the contributions would make the development unviable. Contributions have been adjusted in the light of such evidence but overall the Council's approach to affordable housing contributions has not significantly impacted upon viability or hindered housing delivery.
13. Accordingly, I consider that a contribution is required to make provision for affordable housing. I am satisfied that such an obligation would satisfy the tests set for an obligation in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and also in Paragraph 204 of the Framework. No unilateral undertaking has been submitted to make such provision. However, as I am dismissing the appeal on other grounds, this matter has not had a significant bearing on my decision.

Conclusion

14. For the reasons set out above, the proposal would have a significant detrimental effect on the character and appearance of the surrounding area. The appeal is therefore dismissed.

Rory MacLeod

INSPECTOR