
Appeal Decision

Site visit made on 10 December 2018

by H Miles BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2019

Appeal Ref: APP/K3605/W/18/3202695
20 Castlevue Road, Weybridge KT13 9AB

- 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 David Barnes against the decision of Elmbridge Borough Council.
 - The application Ref 2017/2881, dated 22 June 2017, was refused by notice dated 15 November 2017.
 - The development proposed is erection of a terrace of 5, four bedroom Townhouses following the demolition of the existing building consisting of 4 apartments/maisonettes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of this appeal the revised National Planning Policy Framework (the revised Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the revised Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and whether or not the development would make adequate provision for affordable housing.

Reasons

Character and Appearance

4. Castle View Road is characterised by what appear visually as pairs of semi-detached houses with hipped roofs (although at the appeal site and others in the road, these are maisonettes). The mainly unaltered appearance of these 'houses' results in a pleasing suburban feel to the street. The appeal site comprises a pair of these semi-detached properties. Adjoining the site is a group of terraced dwellings which, although different in design, share the characteristics of hipped, pitched roofs. They include dormer windows but these are modest in size and set within the roof slope.
5. The proposed development would introduce a crown roof with comparatively steep pitches and a large area of flat roof. Windows within the roof are also

proposed, which would be noticeable within the streetscene, and would draw attention to the bulk at roof level. This design would result in an overly dominant roof and consequently an excessive scale to the overall development. It would result in a discordant feature in the road which would not improve local character.

6. No external refuse storage is shown on the submitted drawings. However the appellant states that for plots 1 and 5 this could be located in the rear garden area, for plot 2 this could be within the undercroft parking area, and for plots 3 and 4 it could be adjacent to the entrances. Due to the layout of the proposed development the options for refuse storage locations are limited. I am concerned that refuse stores at the front of the dwellings would appear bulky and functional in a prominent position, resulting in an unsightly and conspicuous addition to this attractive streetscene. Furthermore, if refuse storage were not provided in an acceptable manner, this would also result in poor quality living conditions for future occupiers.
7. For the reasons above I conclude that the proposed development would have a harmful effect on the character and appearance of the area and as such, in this respect, would be contrary to policies CS17 (Local Character, Density and Design) of the Elmbridge Core Strategy (July 2011) (the Core Strategy), DM2 (Design and amenity) and DM8 (Refuse, recycling and external plant) of the Elmbridge Local Plan Development Management Plan (April 2015), and to the advice contained in the Design and Character Supplementary Planning Document (April 2012) and the relevant advice in the Framework.
8. The council refer to policy CS4 (Weybridge) in their reasons for refusal, however as this refers to the high level spatial strategy for Weybridge, the policies listed above are more relevant to this main issue.

Affordable Housing

9. Policy CS21 of the Core Strategy states that for sites with 5 dwellings 20% of the gross number of dwellings should be provided as affordable housing. However at paragraph 63, the Framework states that '*affordable housing should not be sought for residential developments that are not major developments*' and this forms a material consideration of significant weight. This content broadly reflects the content of the Written Ministerial Statement 'Small-scale developers' delivered on 28 November 2014.
10. The council has put forward a case that despite this conflict, the requirements of Policy CS21 should be applied to this site and a contribution would be required.
11. This is disputed by the appellant on the basis that there would be a net increase of only one dwelling, and to allocate this as affordable housing would '*negate[the site's] redevelopment*'. I have been provided with an 'affordable housing SAMM and CIL Liability calculation Sheet', however this evidence is not sufficient to demonstrate that the inclusion of an on-site affordable housing unit would not be viable. The scheme before me is for five dwellings and I have considered the appeal on this basis.
12. The Council has submitted substantial evidence in support of its case including: a Statement on the Written Ministerial Statement on the exemption of small sites from planning contributions and the Vacant Building Credit (June 2016)

and update (February 2017); and the Strategic Housing Market Assessment for Kingston Upon Thames and North East Surrey Authorities (June 2016) and a number of appeal decisions¹ where the issue of affordable housing is raised. Some of the key messages from these documents are that there is an acute need for affordable housing in Elmbridge in part due to its unaffordability relative to income. Also, that small sites make a significant contribution to the provision of new housing in the Borough. Evidence is provided to demonstrate that the implementation of Policy CS21 has not prevented applications on small sites coming forward, and that the Borough is prepared to be flexible around these contributions where viability evidence supports this.

13. Based on the considerable evidence before me I am satisfied that due to specific local circumstances the Council has a compelling case for the support of provision of affordable housing in this instance, and, based on the evidence before me, I am not persuaded that such provision would make the scheme unviable.
14. In addition, the Council's request for contributions towards affordable housing has been supported by Inspectors in many of the appeal decisions before me. I acknowledge that I do not know the extent of the evidence that was before those Inspectors and whether it was similar to that before me now, and in that respect they have not been determinative in this case. Nevertheless, they lend support to my conclusions regarding the requirement for the affordable housing contribution.
15. Therefore, notwithstanding the significant weight to be given to the Framework, based on the evidence before me, in this instance, it would not outweigh the requirement of the development plan. Accordingly, for the reasons above, I conclude that, in this instance, a financial contribution towards affordable housing is required in order to comply with Policy CS21 of the Core Strategy. I am satisfied therefore that it meets the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 56 of the Framework.

Other Matters

16. I have considered the fact the development would provide family dwellings, would be located within an existing residential area along an established road, and would be located relatively close to shops and services. It has also been drawn to my attention that no objections were received from highways officers and that the site is not within the Green Belt. Also that there is no dispute between the main parties in relation to the effect on the living conditions of neighbouring occupiers, the proposed parking arrangement, garden sizes or the proposed materials. However due the scale of the development proposed these matters are not sufficient to mitigate the harm to the character and appearance of the area and the insufficient affordable housing provision identified above.

¹ APP/K3605/W/16/3156943, APP/K3605/W/17/3167882, APP/K3605/W/17/3168617, APP/K3605/W/17/3170237, APP/K3605/W/17/3166743, APP/K3605/W/16/3163928, APP/K3605/W/17/3174279, APP/K3605/W/16/3156943, APP/K3605/W/17/3167961, APP/K3605/W/17/3167270, APP/K3605/W/16/3146699, APP/K3605/W/16/3160470, APP/K3605/W/16/3161055, APP/K3605/W/16/3165031, APP/K3605/W/17/3167461, APP/K3605/W/16/3163555, APP/K3605/W/16/3160775, APP/K3605/W/16/3159613, APP/K3605/W/16/3154395, APP/K3605/W/17/3170775, APP/K3605/W/17/3169210, APP/K3605/W/17/3170220, APP/K3605/W/16/3160272, APP/K3605/W/17/3170332, APP/K3605/W/17/3178538, APP/K3605/W/18/3196787

17. I am aware that a previous application has been refused and appeal dismissed at this address for a similar scheme². However, the full details of that case are not before me and therefore I have considered this scheme on its own merits.
18. The appellant refers to other local buildings with a similar design approach. I have not been provided with the full details of these cases and therefore I attach limited weight to their specific circumstances. Nevertheless I have undertaken an assessment of the character and appearance of the area based on the evidence before me and my observations. My conclusions are based on these findings.
19. The appellant has queried whether the Council can demonstrate a 5 year housing land supply. However, even if I accept the appellant's position that there is not a 5 year housing land supply I find that the harm to the character and appearance of the area and affordable housing provision would significantly and demonstrably outweigh the benefits of the proposed development. Consequently, the appeal scheme is not sustainable development in the terms of the revised Framework, for which there is a presumption in favour of.

Conclusion

20. For the reasons above, this appeal should be dismissed.

H Miles

INSPECTOR

² APP/K3605/W/17/3178538