
Appeal Decision

Site visit made on 25 September 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/K3605/W/19/3233334
10 Arnison Road, East Molesey KT8 9JJ

- 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 Arnison Road IPE Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2018/2544, dated 17 August 2018, was refused by notice dated 30 January 2019.
 - The development proposed is the conversion of the existing building and associated works to provide 12 residential units with off-street parking, landscaping and refuse and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the development differs between the application form and that contained on the decision notice which is given as 'Extensions and alterations to increase the number of flats from 4 flats to 12 flats incorporating 2.5 storey side extension, three-storey rear extension incorporating rear balconies and lower ground floor, bin and cycle stores, front boundary wall and associated parking and landscaping. This description clarifies that the development itself is not for 12 units but for eight additional units over and above the four which exist now. In the interests of clarity, I deal with the application on this basis of alterations and enlargements to increase the number of units from four to 12.
3. Since the determination of the appeal scheme the appellants have undertaken additional bat surveys, and these conclude that there are bats present and a licence from Natural England would be required. The appellants also propose that bat boxes are incorporated which the Council consider can be secured by condition and by which the second reason for refusal would be addressed. I agree that this matter could be dealt with by conditions and on this basis I need not consider this issue further.

Main Issues

4. The main issues are the effect of the development on: a) the living conditions of the occupiers of the adjacent residential properties at Nos. 8 and 12 Arnison Road in respect of outlook; and b) parking provision on and off the site.

Reasons

Living conditions

5. There are varied gaps between buildings in the vicinity of the site with some three and some two storey buildings. The proposal would extend to the side and rear with the expansion taking up a significant proportion of the remaining width of the site. It would also project beyond the rear building lines of both adjacent properties in Arnison Road. Whilst the enlargements would envelop an existing single storey extension, they would be substantially higher at around 7 metres to eaves and around 9.5 metres to the ridge. On both sides of the site the extensions would be close to the boundaries.
6. The extent of rearward and sideward (in respect of the western boundary) extensions would, by reason of the bulk, height and massing result in a dominant effect on the adjacent properties. Whilst it is acknowledged that there would be no substantial loss of light or loss of privacy to the neighbouring properties the physical scale of the proposal would be such that the outlook of the occupiers of No.12, and to a lesser extent No. 8 Arnison Road, would be affected to an unacceptable degree. This significant effect on their outlook would have a detrimental effect on the living conditions of the occupiers from both within the properties and specifically from the garden area immediately adjacent to the rear of No 12, a factor which would not be sufficiently mitigated by the presence of existing planting on the boundaries. Neither does the substantial depth of the gardens and the extensive openness which is experienced in those gardens justify the impact that the proposed development would have on the living conditions of the occupiers of adjacent properties.
7. Consequently, the proposal would conflict with policy DM2 of the Elmbridge Development Management Plan (the Elmbridge Plan); the Elmbridge Design and Character SPD (2012) and the National Planning Policy Framework (The Framework). These policies and guidance seek, amongst other things to protect the amenity of adjoining occupiers and require that development proposals should be designed to offer an appropriate outlook.

Parking provision

8. The highway authority consider that the number of vehicle movements would increase, and this would have an impact. However, the site is in a sustainable location and suitable visibility splays could be achieved. Nonetheless the Policy DM7 of the Elmbridge Plan requires sufficient parking provision to be provided and against those standards the scheme is significantly deficient providing only six spaces for 12 flats. The appellants consulting engineers report confirms that the proposal would generate overspill parking onto Arnison Road
9. The appellants have provided evidence in relation to parking surveys giving information about two dates in early March. Alternative opposing views have been expressed by the Council who observed parking stress during their own visit. It was clear to me that even during the day there is a high demand for parking on street with no spaces available at the time of my visit. Whilst all these positions represent only a snapshot in time the provision on site would not, in my view, be sufficient to meet the needs of an increased number of units on the site without intensifying the demand for, and pressure upon, on-street spaces which would exacerbate the parking stress. This parking situation is also borne out in neighbour representations which are based on the

continuous experience of the conditions found on Arnison Road over a period of time and not just on a snapshot in time. This experiential evidence adds to the weight afforded to those representations.

10. Against this context the proposal would conflict with Policy DM7 of the Elbridge Plan which requires that parking provision should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the residential amenities of local residents.

Planning Balance

11. There is no dispute between the parties that the Council does not currently have a supply of housing exceeding 5 years. Therefore, in accordance with paragraph 11d of the Framework which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. It also scored poorly in relation to the Housing Delivery Test results 2018¹ and both these factors weigh in favour of the proposal.
12. Nonetheless the starting point for any planning decision is Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires that all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the impact on the adjacent properties would, in my view, be significant; as would the effect on the parking provision in the area such that these matters significantly and demonstrably outweigh the benefits of the provision of additional housing units important though they are.
13. In reaching this decision I have taken into account of my statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention is given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I note that the Council does not take issue with the effect on the East Molesey (Kent Town) Conservation Area and that there would be no conflict in relation to the development plan in this regard. I have no evidence before me which would lead me to disagree with this position.

Other Matters

14. The appellants contend that in accordance with the Councils' Housing Delivery Action Plan there is a need for smaller new homes and that the proposal would make optimal use of the site. This is underpinned by Paragraph 123(c) of the Framework that applications should be refused where they fail to make efficient use of land. These provisions do not however justify proposals which fail to meet adopted development plan criteria. This is a property within an area of single dwellings; albeit including a number which have been subdivided including the appeal site. However, I am not persuaded that the existing property fails to constitute an efficient or effective residential solution for the appeal site such that the intensification of the use would outweigh the harm which I have identified in relation to the main issues.
15. The appellants argue that there is an additional benefit to the scheme in that the proposal would introduce comprehensive and integrated high-quality

¹ <https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

design; moreover, they argue it would improve the appearance of the front of the site and remove unsympathetic rear extensions added in random fashion over the years. That may be so, nonetheless such improvements would not justify the impact which would result from the development nor the harm which would arise as identified in the main issues.

Conclusion

16. Therefore, for the reasons given and having taken all other matters into account the appeal is dismissed.

Janet Wilson

INSPECTOR