



Appeal Decision

Site visit made on 23 September 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/K3605/W/19/3233175

Parkers Nurseries, Manor Drive, Hinchley Wood, Esher KT10 0AX

- 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 Donal, Jean and Sheila Fread against the decision of Elmbridge Borough Council.
 - The application Ref 2018/3029, dated 8 October 2018, was refused by notice dated 18 January 2019.
 - The development proposed is a new single storey and two storey house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the development was changed during the course of the application. This revised description better describes the development applied for and the change has been noted in the appellants appeal form. As the Council have used this revised description in their decision so shall I.

Main Issues

3. I consider that the main issues are:
 - The effect of the proposed development on the character and appearance of the area, including its effect on a protected London Plane tree; and
 - The provision of affordable housing.

Reasons

Character and appearance

4. The appeal site is located on the corner of Manor Drive and the service road that provides access to the rear of the commercial premises and flats in Manor Road North. Access to the site is from Manor Drive which is characterised by traditional pairs of residential dwellings set within modest landscaped gardens. These are generally of similar scale and height, although there are some variations of architectural detailing. By contrast the service road is typically utilitarian in appearance providing rear access to, and views towards the back of the shops and rear garden areas.

5. The appeal site is long and narrow, with a conventional brick and timber greenhouse and a small number of various outbuildings that are modest in size. These buildings run along the length of the service road making them unobtrusive in the street scene. As a result, the site fits into the surrounding area, within the open gap between the commercial properties and the housing in Manor Drive. An attractive, mature tree, identified as T1 on the plans, is sited on the Manor Drive verge immediately to the front of the site. This is subject to a Tree Preservation Order (TPO). There is a gated pedestrian access and path immediately adjacent to 2 Manor Drive.
6. The proposal would see the demolition of the greenhouse and outbuildings and the introduction of a single detached two storey dwelling onto the site. The length of the proposed dwelling would run along the service road where the main entrance to the dwelling would be. Two parking spaces are proposed, the first to the north and the second below the canopy of the protected tree.
7. The proposed dwelling is of contemporary design. It has a stepped appearance being wider at first floor level than the ground floor. Private amenity space would be provided between the proposed dwelling and the southern parking space.
8. The widest frontage of the new dwelling would face the service road and the rear of the flats in Manor Road North. Whilst the main public view of the new dwelling would be from Manor Drive, I saw at my site visit that there would also be views of the proposed development from the service road and the rear of the commercial premises and flats.
9. Paragraph 123 of The National Planning Policy Framework, sets out that policies and decisions should avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It goes on to state that decisions should take into account, the desirability of maintaining an area's prevailing character and setting. Consequently, the proposed dwelling needs to be assessed in this context.
10. I recognise that the dwelling, materials and window detailing have been designed to echo the existing outbuildings on the site. However, whilst these buildings are an existing feature in the area, they are to be demolished as part of this proposal. The proposed development takes little architectural influence from other residential development in the area, which would allow it to integrate into the street scene.
11. The contemporary design of the new dwelling and shape of the plot differs from other residential development in the area. I recognise that the design is bold, seeking to contrast and make a statement, and it succeeds in this regard. However, the bold design, the narrowness of the plot and unusual orientation, when combined, would make it appear contrived and unduly prominent on this highly visible corner site. The limited screening provided by the protected frontage tree (T1) would do little to minimise this impact on the street scene.
12. The northern elevation of the proposed dwelling would be sited in very close proximity to this tree. The tree is an attractive mature specimen that makes a valuable contribution to the visual amenity of the area, as recognised by its inclusion in the TPO.

13. Section 197 of the Town and Country Planning Act 1990, places a duty on decision makers to ensure, whenever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation and planting of trees. This applies equally at the appeal stage.
14. The main source of light to Bedroom 2 and the front living room are the windows that face onto Manor Drive, although I note that there are additional high level windows to the living room, and a full height west facing window to the bedroom. I saw from my site visit that T1 is substantial, with a large canopy spread. The canopy would undoubtedly have some effect on the light available to these two rooms, although I recognise that the impact would vary depending on the time of day and the season.
15. The tree canopy is a short distance away from the front windows. Whilst the proposed high level windows would provide some additional light to the living room, they are considerably smaller. Similarly, I acknowledge that the secondary window to bedroom 2 would provide additional light to this room. Nevertheless, I have no evidence before me to demonstrate that these secondary windows would adequately compensate for the loss of light, as a result of overshadowing from the protected tree.
16. Even if the secondary windows were shown to provide adequate light to the room, the main outlook for both of these rooms is to the front. I consider that this would be likely to lead to pressure to lop, top or fell the tree. Moreover, the parking of vehicles directly below the canopy is likely to cause inconvenience and legitimate concern for future users, as a result of falling debris. This is also likely to lead to pressure to carry out works to the tree.
17. Whilst I accept that any works to the tree would need permission in its own right, given the continued significance of the tree, and its position relative to the proposed dwelling, I find that the potential for overshadowing, safety and maintenance would be likely to lead to additional pressure to cut back or remove the tree in the longer term.
18. Any loss or work detrimental to the appearance of the tree, would further harm the character and appearance of the area. I acknowledge that there is likely to be a need to carry out works to the protected tree, but these would be unrelated to this proposal. Nonetheless, I have found that the proposed development would lead to additional pressure on the tree over and above that, which currently exists.
19. I have had regard to the Appellants intention to make efficient use of this site. However, for the above reasons I find that the design and siting of the proposed dwelling on this prominent, narrow and constrained plot, would make it appear incongruous and contrived, when viewed from Manor Drive, the service road and the rear of the adjacent properties. It would be significantly at odds with other development in the area.
20. Accordingly, I conclude that the proposal would not be of a high quality and it would cause significant harm to the character and appearance of the area. Moreover, additional pressure to carry out works, or fell the protected tree, would result in further harm to the character and appearance of the area. The proposed development would therefore be in conflict with Policy DM2 and DM10 of the Elmbridge Local Plan Development Management Plan (2015), Policy CS8

and CS17 of the Elmbridge Core Strategy (2011) (CS). In summary, these policies jointly seek to ensure that all development proposals should preserve or enhance, and not detract from, the character of the area.

Affordable housing

21. During the course of the appeal, a unilateral undertaking (UU) dated 22 July 2019, was submitted to address affordable housing. The Council have seen a copy of this and confirmed that it is acceptable to them, although have not formally withdrawn this reason for refusal
22. The UU addresses the Councils' reason for refusal and provides an agreement to pay the required affordable housing contribution. Therefore, the proposed development would not now conflict with Policy CS21 of the CS. Consequently, the provision of affordable housing carries weight in favour of the proposal.

Other matters

23. My attention has been drawn to another development for a building at 10-12 Manor Road North. I have no evidence before me to confirm the planning history or circumstances for this site. Nevertheless, I have to determine this appeal on its own planning merits, and the presence of this development would not justify allowing the proposal.
24. I have had regard to the third party representations. I acknowledge that whilst these have been submitted as part of this appeal, some appear to relate to a different and more recent planning application (2019/0825). Notwithstanding this, I have considered this appeal on its own planning merits.
25. I have had regard to the potential improvements that the proposed development would bring to the appearance of the service road. However, it seems to me, that these improvements, whilst desirable, are not dependant on the outcome of this appeal.

Conclusion

26. The provision of the affordable housing contribution delivered by the UU undoubtedly weighs in favour of the scheme. Nonetheless, I consider that this is a limited benefit that does not outweigh the significant harm I have identified above to the character and appearance of the area.
27. I have considered all of the matters that have been raised but for the reasons outlined above, I conclude that the appeal should be dismissed.

Hilary Orr

INSPECTOR