
Appeal Decisions

Site visit made on 15 October 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2020

Appeal A - Ref: APP/K3605/W/19/3233525 **18 Springfield Lane, Weybridge KT13 8AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Steen, Birchwood Homes Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2018/3635, dated 6 December 2018, was refused by notice dated 3 April 2019.
 - The development proposed is an outline application for detached four-storey building containing 20 flats with associated parking, cycle and bin stores following demolition of existing building (for access, appearance, layout and scale).
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Appeal B - Ref: APP/K3605/W/19/3233516 **18 Springfield Lane, Weybridge KT13 8AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Steen, Birchwood Homes Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2018/0905, dated 21 March 2018, was refused by notice dated 10 May 2019.
 - The development proposed is the erection of detached five storey building containing 22 apartments following demolition of the existing working mens club along with associated parking, cycle store and bin store.
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Decisions

1. Appeal A is allowed and planning permission is granted for an outline application for detached four-storey building containing 20 flats with associated parking, cycle and bin stores following demolition of existing building (for access, appearance, layout and scale) at 18 Springfield Lane, Weybridge KT13 8AW in accordance with the terms of the application, Ref 2018/3635, dated 6 December 2018, subject to the conditions set out in the attached Schedule.
2. Appeal B is dismissed.

Applications for costs

3. Applications for costs were made by Mr David Steen, Birchwood Homes Ltd against Elmbridge Borough Council, in respect of both appeals. An application was also made by Elmbridge Borough Council against Mr David Steen, Birchwood Homes Ltd, in respect of Appeal Scheme A. These applications are the subject of separate Decisions.

Procedural Matters

4. Both applications were submitted in outline. The application forms indicate that in both cases approval was sought for the matters of access, appearance, layout and scale. I have determined the appeals on this basis.
5. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
6. The appellant has submitted a Unilateral Undertaking (UU) in respect of each of the appeals. I have addressed these below.

Main Issues

7. The main issues raised in both appeals are:
 - the effect on the character and appearance of the area,
 - whether the schemes make adequate provision for on-site parking, and
 - whether the schemes make adequate provision for affordable housing.

Reasons

Character and appearance

8. The site comprises an area which currently accommodates a social club building and associated car park. The existing building extends to a maximum of two storeys in height with attached single storey elements. Bordering the site to the rear is a stark elevation of the adjacent supermarket. Along Springfield Lane properties are generally two or two and a half storeys in height. However, within the wider area I observed that there is variety in the height and scale of buildings, with examples of three and four storey buildings present.
9. Whilst one side of Springfield Lane is typified by two storey cottages located close to the lane itself, the same cannot be said of the side on which the appeal site lies. This side of the lane is characterised by spacious frontages to sites with buildings set back and contains a number of dated buildings which are generally unremarkable in their appearance. Furthermore, the backdrop of the tall supermarket behind the existing buildings comprises a plain and assertive visual element, notwithstanding that the existing building on the site provides some screening.
10. Appeal Scheme A would result in the construction of a four-storey building, set under a flat roof. The top storey would be set back from each side elevation to provide an element of subservience. This would ensure that the height of the proposal sits appropriately alongside the height of the two and a half storeys building on the neighbouring site. In respect of the bulk of the building, this would be clearly greater than the nearby residential properties. Nonetheless, the front elevation would be broken up by the introduction of steps within it, as well as the use of different materials, thereby reducing the visual effect of the building's bulk. As such, it would not appear as an overly large element within the townscape and it would be reflective of the size of other buildings in the wider area.
11. The building would undoubtedly appear as a new, modern element to individuals as they travel along Springfield Lane, where there are also traditionally proportioned and designed dwellings. However, in my view, it would not appear as an

incongruous or overly dominant feature, particularly given the backdrop of the existing large supermarket elevation.

12. The site lies adjacent to the Weybridge Monument Green Conservation Area (the CA). I observed that the significance of this designated heritage asset lies, in part, due to the assemblage of traditionally designed and proportioned buildings centred around Monument Green. However, views of large buildings in close proximity to the CA were not unusual in the area. Views of the proposed development from the north, from within the built-up area of the CA, would be limited due to the positioning of buildings close to the edge of the road. Clear views of the building would only become available on leaving the CA when travelling along Springfield Lane. As I have found that the scheme would not be an incongruous addition to the site, it would follow that it would also not appear inharmonious with its surroundings, in the limited views from the CA.
13. A short distance from the site are two buildings, 23 The Green, which is a Grade II listed building and thereby a designated heritage asset, and 24 The Green, a locally listed building. The significance of the designated heritage asset, the Grade II listed building, lies in part due to its traditional proportions and it being an attractive example of a two-storey property with dormers to the front roof plane. Lying between these two buildings and the appeal site, are a number of two and a half storey buildings. As a consequence, there would be little visual relationship between the designated and non-designated heritage assets and the proposed building. In any event, I have found that Appeal Scheme A would have an acceptable appearance and thus there would be no adverse effect on the setting of these existing buildings and no harm to the significance of the listed building.
14. Turning to Appeal Scheme B, this would result in the construction of a five-storey building within the site. Whilst it would add only an additional storey over and above that proposed within Appeal Scheme A, this would in my view result in the scheme having a substantially greater and dominant visual appearance. Given the presence of the two and a half storeys building on the neighbouring site, the additional storey would result in the scheme being appreciably and discordantly higher than the surrounding buildings. This would result in the building failing to integrate acceptably with the surrounding townscape features.
15. Given the substantial scale and bulk of the building, in this case the inclusion of steps and differing materials would do little to ameliorate its visual effect. Furthermore, its scale would have a greater dominating effect than the large supermarket elevation against which it would be viewed, creating a visually oppressive and overbearing building that would relate poorly to the scale of buildings within the vicinity. It would dominate views from within the surrounding area and would have an inharmonious appearance. Thus, I find that Appeal Scheme B would result in substantial harm to the character and appearance of the area.
16. Notwithstanding this, given my comments above in regard to the setting of the listed and locally listed buildings in respect of Appeal Scheme A, in that there would be little visual relationship between the existing buildings and that which is proposed, I consider that the addition of one storey would not result in there being an unacceptable relationship between the proposal and these heritage assets, nor would there be harm to the listed buildings significance as a designated heritage asset. This matter is not sufficient however to overcome the harm I identify to the character and appearance of the area, resulting from the failure of Appeal Scheme B to integrate acceptably with surrounding townscape features.

17. Thus, I find that Appeal Scheme A would accord, and that Appeal Scheme B would conflict, with Policy CS17 of the Elmbridge Core Strategy (2011) (the Core Strategy), as well as Policy DM2 of the Elmbridge Local Plan – Development Management Plan (2015) (the DM Plan), which seek to ensure, amongst other things, that new development delivers a high-quality design that integrates with the locally distinctive townscape and that development preserves the character of an area, with particular regard to height.
18. Additionally, I find that both schemes would accord with Policy DM12 of the DM Plan which seeks to ensure that development protects, conserves or enhances the Borough's historic environment.

Parking

19. Both appeal schemes include provision for 16 parking spaces serving the developments. Policy DM7 of the DM Plan requires that a minimum of 1 space per residential unit should be provided. The policy further states that this provision is to ensure that development does not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents. As such, in the case of Appeal Scheme A there would be a shortfall of 4 spaces and 6 spaces in the case of Appeal Scheme B, against the target provision within the policy.
20. A submitted parking survey, in respect of Appeal Scheme B showed that throughout the night, the nearby Monument Hill car park, which provides 14 spaces, is underutilised. There was also capacity for parking within restricted parking sections of the nearby High Street and Baker Street, when the restrictions do not apply, between the hours of 18:00 and 09:00. As such, in the evening and throughout the night, there would be capacity to accommodate for any overspill of parking that may occur from the development.
21. During the daytime, the residential parking requirement in the area is likely to be at its lowest, as it will be during the working day. The parking demand in the area during the daytime is likely to result, in the main, from visitors to the town centre and, in my judgement, any overspill from the development during the daytime is unlikely to be significant within the context of the overall parking demand within the area.
22. The Council accept that the site is generally well located relative to the services and facilities that are available within the town centre. Furthermore, within the vicinity of the site parking is generally restricted through controlled parking zones and on-street restrictions, which include single and double yellow lines. I am also conscious that a shortfall in parking requirement has already been accepted by the Council in respect of a previous permission on the site where no parking was provided for 3 x two-bed houses and 2 x one-bed flats.
23. Thus, I find in both cases that the schemes would be unlikely to increase parking stress within the area and therefore the schemes would make adequate provision for on-site parking. The schemes would conflict with Policy DM7 of the DM Plan, insofar as they would not provide the stated 1 space per residential unit. However, as I have found that adequate parking would be provided, I consider this sufficient to outweigh this conflict, particularly as the policy seeks to ensure parking provision is appropriate to the development and would not result in an increase in on-street parking stress.
24. The appellant has submitted Unilateral Undertakings (UU's) which include provisions for financial contributions towards delivering a Car Club within the area. As I have found that the parking provision is acceptable, this requirement of each of the UU's is not necessary. Therefore, this part of the UU's does not meet the

planning obligation tests as laid out in paragraph 56 of the National Planning Policy Framework 2019 (the Framework) and Regulation 122 of the CIL Regulations.

Affordable Housing

25. Policy CS21 of the Core Strategy sets out that the Council aims to deliver at least 1150 affordable homes between 2011 and 2026. In order to achieve this, the Council will require the provision of affordable housing on new residential development. In the case of sites of 15 units or more, a contribution of 40% of the gross number of units will be required, where viable.
26. Appeal Scheme A proposes 20 units, whilst Appeal Scheme B proposes 22 units. In order to provide a policy compliant element of affordable housing, the schemes would need to provide 8 and 9 units, respectively. At the time of the refusal of the planning applications, no information had been submitted in respect of the financial viability of the schemes and so the Council included the lack of affordable housing as reasons for refusal.
27. The appellant has subsequently submitted information in respect of the viability of both of the schemes with the appeals. The initial assessments submitted by the appellant concluded that both schemes were not sufficiently viable to enable them to support an affordable housing contribution. During the course of the appeals, both the Council and the appellant have provided additional information in respect of viability. As a result of the further information and submissions, there is a consensus that Appeal Scheme A, providing 20 units, is not sufficiently viable to support an affordable housing contribution. Consequently, Appeal Scheme A accords with Policy CS21.
28. It is also concluded that Appeal Scheme B, for 22 units, is sufficiently viable to support a partial contribution towards affordable housing. A UU has been submitted in respect of Appeal Scheme B which includes provision of a financial contribution in this respect. The Council has had the opportunity to comment on this UU and has commented that there is reference within one of the Schedules to a Strategic Access Management and Monitoring (SAMM) contribution and to the provision of onsite affordable housing. However, the Definitions contained within the UU have not been completed in respect of these matters. I note that these contributions are not necessary to make the development acceptable, and furthermore given the uncertainty in respect of them, due to the incomplete definitions, they would not in any event be enforceable.
29. The terms of the financial contribution towards affordable housing are clear however and the amount of the sum is clearly stated within the Definitions. In this regard, the financial contribution towards affordable housing within the UU accords with the planning obligation tests as laid out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations. Accordingly, the scheme makes adequate provision for affordable housing, where appropriate, and thus would accord with Policy CS21.

Other Matters

30. The appellant states that the Council is not able to demonstrate a 5-year supply of deliverable housing sites and this is corroborated by the officer's report in respect of Appeal Scheme B. I acknowledge that the scheme would provide additional housing and would result in economic benefits both during construction and when occupied, as well as some contribution towards affordable housing; I accord these matters significant weight. However, I consider the harm that I have identified, in respect of Appeal Scheme B, to the character and appearance of the area would be considerable. Thus, overall, I find that the adverse impact of the proposed

development would significantly and demonstrably outweigh the benefits that would arise from the contribution to housing supply, when assessed against the policies in the Framework taken as a whole.

31. Concern has been raised in respect of the effect of additional traffic, pedestrian safety, increase in noise, emergency vehicle access, increased pollution, energy efficiency, pressure on local services and facilities, density of development and crime. Whilst these concerns are noted, there is no substantive evidence before me to demonstrate that the proposal would result in any harm in these respects. Furthermore, I acknowledge that the previous use of the site could have attracted significant traffic movements along the lane. I am also conscious that the Council does not object to the proposal on the basis of these matters. As such, these issues have little bearing on my decision.
32. There has also been reference to the removal of trees from the site, however no further information has been provided in this respect and there is no suggestion that any trees within the site were protected. This matter therefore has little influence on my consideration of the appeal.
33. There has also been concern in respect of bin storage facilities, inclusion of electric charging points, bicycle storage facilities and drainage. These matters can, in my view, be suitably controlled through the imposition of appropriate planning conditions.
34. An interested party has commented on the lack of outlook and internal amenity for residents on the eastern elevation of the proposed building. Whilst I note that this elevation would face the existing wall of the adjacent supermarket, there is sufficient separation between the proposed and existing buildings to ensure that the internal living environment and outlook would be acceptable.
35. In terms of the effect on the nearby existing properties, due to the orientation of the proposed building in relation to nearby buildings, together with the existence of the adjacent supermarket, any overshadowing, loss of light or overbearing impact that may occur would not be extensive and would not be of such significance so as to adversely affect the living conditions of nearby occupiers.

Conditions

36. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development, for the avoidance of doubt and in the interests of clarity. A condition is also required to ensure compliance with the submitted plans, but only in respect of appearance, layout, scale and access as these are not reserved matters.
37. To ensure that the proposal has a satisfactory external appearance I have imposed a materials condition. In the interests of promoting sustainable transport choices and to protect the living conditions of occupiers of the development, I have included conditions requiring details and the implementation of cycle and refuse storage. Also, in order to promote sustainable transport options a condition is included in respect of electric vehicle charging points.
38. In the interests of highway safety, I have included conditions in respect of visibility, as well as vehicle parking and turning. For the same reason and in the interests of the convenience of other road users, I have also imposed a construction transport method statement condition. In order to ensure that the proposal does not adversely affect the drainage regime in the area, I have also included drainage conditions.

39. The Council highlight that the site is within an area of high archaeological potential and so I have imposed a condition in respect of a programme of archaeological work. The appellant has suggested that this should not be a pre-commencement condition, but instead should allow development involving excavation down to 300mm. However, given the potential for ground disturbance from machinery or site clearance works, I consider that this should be a pre-commencement condition.
40. The Council have also indicated that there is a low risk of ground contamination within the site, however given the proposed residential use I consider it prudent and necessary to include a condition in respect of contamination.
41. A condition in respect of obscure glazing has been recommended, however I am conscious that sufficient separation exists between the proposal and existing properties on the other side of Springfield Lane. Furthermore, there is a bowling green to one side of the proposed building. I am also conscious of the comments in the officer's report to committee which states that side facing windows on the neighbouring building have been conditioned to be obscure glazed and fixed shut. In these circumstances, I find that it is not necessary to control obscure glazing within the proposed building.

Conclusion

42. In respect of both appeals, I find that they would make adequate provision for on-site parking and make appropriate contributions to the provision of affordable housing, where necessary.
43. However, whilst I have found the effect of Appeal Scheme A on the character and appearance of the area acceptable, I find differently in respect of Appeal Scheme B.
44. For the reasons given above and having regard to all matters raised, I conclude that Appeal A should be allowed, and that Appeal B should be dismissed.

Martin Allen

INSPECTOR

Appeal A - Schedule of Conditions

- 1) Details of the landscaping (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the reserved matter.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101, 103 Rev.A, 104 Rev.A, 105 Rev.A, 106, TG-04-01 and TG-04-02.
- 5) No above ground development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) The development shall not be first occupied until refuse storage facilities have been fully implemented, in accordance with details that have first been submitted to and approved in writing by the local planning authority and made available for use. These facilities shall thereafter be retained for use at all times.
- 7) The development shall not be first occupied until the cycle storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
- 8) The development hereby approved shall not be first occupied until the proposed modified access to Springfield Road has been constructed and provided with visibility zones in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
- 9) The development shall not be first occupied until space has been laid out within the site in accordance with drawing no. 101 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be kept available at all times for those purposes.
- 10) No development shall commence until a Construction Transport Management Plan, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
 - a) parking for vehicles of site personnel, operatives and visitors,
 - b) loading and unloading of plant and materials,
 - c) storage of plant and materials, and
 - d) on-site turning for construction vehicles.

The development shall at all times be carried out in accordance with the approved details.

- 11) The development hereby approved shall not be first occupied until at least 20% of the available parking spaces are provided with a fast charge Electric Vehicle socket (minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. A further 20% of available spaces to be provided with power supply to provide additional fast charge sockets in future.
- 12) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum Greenfield discharge rate of 1.9 l/s (as per the SuDS pro-forma or otherwise as agreed by the LPA).
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- 13) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 14) No development shall take place until the applicant has secured the implementation of a programme of archaeological work on the site in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 15) The Local Planning Authority (LPA) shall be informed (with at least 2 weeks' notice) when the ground is to be excavated so that the Contaminated Land Officer can be invited to be present to inspect any excavation and excavated materials in order to confirm the absence or potential presence of contamination.

Alternatively, a competent person shall inspect the excavation and excavated materials in order to confirm the absence or potential presence of contamination and shall provide a written report/letter to the LPA for approval detailing the condition of the ground, supported by relevant photographs.

If the Contaminated Land Officer or competent person discovers the presence of any significant contamination, development must be halted, and an investigation shall be agreed with the LPA. The investigation shall be carried out by a competent person, to assess the condition of the land with respect to contamination.

In the event that remediation is required, a written method statement detailing how the identified contamination shall be dealt with and risks mitigated shall be submitted to the LPA for written approval. The agreed remediation method statement shall be implemented prior to occupation or the development being brought into use.

Upon completion of the remediation, and prior to occupation or the development being brought into use, a written report providing verification that the required works with regards to decontamination have been carried out in line with the agreed method statement shall be submitted the LPA for written approval.