



Appeal Decision

Site visit made on 20 January 2020

by Jonathon Parsons MSc BSc(Hons) DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/K3605/W/19/3234753

Elmer Dene, 95 Queens Road, Hersham, Walton-On-Thames KT12 5LA

- 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 Steen against the decision of Elmbridge Borough Council.
 - The application Ref 2019/1323, dated 13 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is "Outline application for a detached four-storey building containing 7 flats with ancillary parking and bin and cycle stores following the demolition of existing house and garage (for access, appearance, layout and scale)."
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Decision

1. The appeal is allowed and planning permission is granted for "Outline application for a detached four-storey building containing 7 flats with ancillary parking and bin and cycle stores following the demolition of an existing house and garage (for access, appearance, layout and scale)." at Elmer Dene, 95 Queens Road, Hersham, Walton-on-Thames KT12 5LA in accordance with the terms of the application, Ref 2019/1323, dated 13 May 2019, subject to the following conditions on the attached schedule.

Procedural Matters

2. The application is for outline planning permission with access, appearance, layout and scale to be determined at this stage, and landscaping reserved for future consideration. The landscaping details shown on the block plan are treated as indicative.
3. A Unilateral Undertaking (UU) dated 8 July 2019 contains obligations setting out the on-site provision of two affordable housing units and a contribution for affordable housing. These obligations will be commented upon in my decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site comprised a detached two storey house and a detached garage which is situated on Queens Road near to a roundabout. There is an extant approved scheme for six flats. Surrey Lodge, a 1960s style three storey block

- of flats with pitched roof over, lies adjacent to the appeal site. The surrounding area comprises a mixture of housing designs, scales and forms.
6. The Elmbridge Design and Character Supplementary Planning Document Development (SPD) 2012 indicates that the site is located in Hersham on a route which leaves the A244 and approaches the village green. A companion guide to Hersham shows that the roundabout adjacent to the site is on the boundary of 3 sub-areas and forms the main entrance to area HER02: Queensway, Robinsway and Green Lane environs. The SPD classifies the area as entirely residential where "houses are generally semi detached interspersed with some detached houses and modest in size."
 7. The development would result in a four storey building of seven flats instead of the currently permitted three storey building of six flats. The resultant building would reach a height of approximately 11.5m and the top floor would measure approximately 2.85m in height. A roof terrace, enclosed with a glazed balustrade, would be to the front and rear of the fourth floor level. Surrey Lodge has no fourth floor of living accommodation but has a pitched roof at this level. The fourth floor of the new building would be no higher than this neighbouring block and would be stepped in from the sides, front and rear, relative to the storeys below. From the front and rear, the step back would be approximately 1.5m back from the exterior main face of the building.
 8. The design of the new residential block would be contemporary with a flat roof and flattened protruding eaves between the top floor and that below. However, the surrounding area has a varied character and appearance with buildings of different ages, uses and architecture. The detailed design and materials of the new building would be attractive with its varied use of blockwork/brick and render, horizontal banding and fenestration surrounds, balconies and eaves feature.
 9. Such architecture, scale and design would result in a noticeable building, but this would be appropriate in a gateway location to the village. The companion guide describes the nature of development in the area, but it is not prescriptive on the nature of acceptable development. Indeed, it refers to paragraphs of the SPD where the emphasis is on the valuable part that corner sites play in the urban design of the area. In this respect, the proposed building would provide legibility to the area by providing a landmark building.
 10. For all these reasons, an incongruous and top-heavy development would not result because the scheme would be well-designed integrating and enhancing local character and appearance. Accordingly, the proposal would comply with policies CS5 and CS17 of the Elmbridge Core Strategy (CS) 2011 and policy DM2 of the Elmbridge Local Plan Development Management Plan 2015.

Planning obligation

11. CS Policy CS21 requires that a development resulting in a net gain of 6-14 residential units should provide 30% of the gross number of dwellings on site as affordable alongside a financial contribution. The UU secures two affordable housing units, shared ownership (leasehold) and an affordable housing contribution in accordance with this policy and the Elmbridge Local Plan Developer's Contribution Supplementary Planning Document (SPD) 2012. The Council has raised no objections to the UU. They have requested evidence of a Registered Social Landlord (RSL) to take over the affordable units. However,

the UU requires any provider to be approved by the Council and there is no reasoned justification that it should be provided at this stage.

12. The National Planning Policy Framework (the Framework) states contributions should not be sought in this instance and this amounts to a significant material consideration. However, the Council has detailed acute housing affordability issues being experienced within Elmbridge, including the failure of provision to keep up with demand, and the important role of small sites in providing affordable provision through contributions. It has also shown that contributions are being used to provide affordable housing.
13. In the Council's Statement on the Government's National Planning Policy Framework (NPPF) (2018) November 2018, it is indicated that contributions collected on small sites have found not to be a disproportionate burden on developers through a viability review of its approach (October 2018). Viability assessments can also be undertaken on developments where applicants consider the contribution to make the development unviable. In this instance, there is no evidence that a contribution would place a disproportionate burden on developing this site.
14. Drawing all these considerations together, the Council's approach in requiring affordable housing provision on this site, in accordance with its policy and Developer's Contribution SPD, is therefore justified having considered the proposal on its merits. The compliance of the proposal with development plan policy would outweigh the national policy requirements that no provision is necessary, in this instance. For all these reasons, the proposed contribution would also meet the statutory tests of the Community Infrastructure Regulations 2010 (as amended).

Other matters

15. The scheme would not result in a 1:1 parking space to unit ratio and there is no legal obligation or condition before me to secure a suggested car club parking space in the area. However, cycle storage facilities would be provided and the appeal site has good accessibility to services and facilities by means other than private vehicle. There is a nearby bus stop offering services on Queensway, a dedicated cycle route along Queensway and the town centre is within reasonable walking distance. In this instance, the parking provision arrangements would be acceptable for all these reasons.
16. The access/egress to the site would be onto a section of Queens Road which is a good distance from the roundabout, being separated by an intervening stretch of road alongside a landscaped highway amenity area. The highway authority has also not raised any safety objections to this, or the visibility splays to be achieved. For all these reasons, there is no evidence to indicate an unacceptable impact on highway safety or severe residual cumulative impact on the road network.
17. The proposed flats would have side lounge and bathroom windows that would face onto Surrey Lodge. However, the lounge windows would face the side of this neighbouring residential block where there are obscured glass windows whilst the rear bathroom windows of the new flats could be obscure glazed. In terms of the first and second floor balconies, there would be no loss of privacy to the neighbours because there would be little standing or sitting out space and the openings would directly face the garden space of the proposed flats.

The top floor balconies would also be set in from the protruding eaves which would result in any overlooking into Surrey Lodge, including garden areas, impractical, being limited and not significant.

18. In relation to other properties on neighbouring roads, there would be no overlooking or loss of outlook to the occupiers because of the degree of separation between them and the development. For all these reasons, the development would not harm the living conditions of the occupiers of neighbouring properties.

Conditions

19. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and amalgamated in the interests of clarity and precision taking into account the guidance.
20. I have attached conditions limiting the life of the planning permission and set out the requirements for the submission of the landscaping reserved matter in accordance with the Act. To provide certainty, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external materials and tree protection, including hard surfacing treatment. For the sake of highway safety and adequate vehicle parking, conditions are necessary to ensure closure of existing accesses, acceptable provision of new access with visibility splay and parking spaces, and a construction method statement. To safeguard neighbour's living conditions, a condition is necessary to ensure the obscure glazing and fixing shut, below a specified height, of certain side windows of the new building. To meet sustainable transportation policy requirements, a condition requiring cycle provision is necessary.

Conclusion

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Attached schedule of conditions for APP/K3605/W/19/3234753

- 1) Details of the landscaping, (hereinafter called "the reserved matters") 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 last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1236/20; 1236/21; 1236/22; 1236/23 and 1236/24.
- 5) No development above slab level shall commence until details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 6) The building hereby permitted shall not be occupied until the first and second floor bathroom windows on the eastern elevation of the development hereby permitted have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be permanently retained in that condition thereafter.
- 7) The development hereby permitted shall not be first occupied unless and until the proposed vehicular access to Queens Road has been constructed and provided with visibility zones in accordance with the approved plans.
- 8) The development hereby permitted shall not be first occupied unless and until the visibility zone within the site between the car parking area and west boundary shown on drawing number 1236/21 has been created and thereafter this shall be kept permanently clear of any obstruction over 900mm high.
- 9) The development hereby permitted shall not be first occupied unless and until any existing accesses from the site to Queens Road have been permanently closed and any kerbs, verge or footway fully reinstated.
- 10) The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter, the parking/turning areas shall be retained and maintained for their designated purpose.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include details of the parking and servicing for vehicles of site personnel, operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials, provision of boundary hoarding behind

any visibility zones and measures to prevent the deposit of materials on the highway. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 12) The development hereby permitted shall not be first occupied unless and until facilities have been provided in accordance with the approved plans for the secure parking of bicycles within the development site and thereafter the said approved facilities shall be provided and retained.
- 13) All the trees shown on the Tree Protection Plan, drawing No TPP/APA/AP/2018/059, as "to be retained" and trees whose canopies overhang the site shall be protected in accordance with details within the Arboricultural Method Statement within AP Arboriculture Report 2018. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 14) Before development commences, details of the method of existing hard standing removal, and new hard standing foundation and construction design, in relation to trees identified in the AP Arboriculture Report 2018, shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.