
Appeal Decision

Site visit made on 8 January 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal Ref: APP/K3605/W/19/3239389

1 Red House Lane, Walton-on-Thames, Surrey KT12 1EF

- 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 Mrs Vivienne Holmes against the decision of Elmbridge Borough Council.
 - The application Ref 2018/1971, dated 25 May 2018, was refused by notice dated 14 August 2019.
 - The development proposed is 3 new dwellings following the demolition of an existing dwelling, along with associated access, hard standing and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 3 new dwellings following the demolition of an existing dwelling, along with associated access, hard standing and landscaping at 1 Red House Lane, Walton-on-Thames, Surrey KT12 1EF in accordance with the terms of the application, Ref 2018/1971, dated 25 May 2018, subject to the attached conditions.

Application for costs

2. An application for costs was made by Mrs Vivienne Holmes against Elmbridge Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development's appearance on the character and appearance of the area.

Reasons

4. The appeal relates to an irregularly shaped predominantly backland site with a narrow access on to Red House Lane. The existing two storey house faces the access, is located behind the line of neighbouring dwellings fronting Red House Lane and has a garden occupying land to the rear of them. The surrounding area is residential in character but of mixed form and appearance. Red House Lane is characterised by detached post war suburban houses 2 and 2½ storeys in height often finished in red or white painted facing brickwork with clay tile hanging and steeply pitched hipped roofs. Other roads bounding the site are more contemporary in character and appearance. There are semi-detached houses with pale bricks in Grange Court to the west of the site and narrow terraced houses in Alexandra Close to its eastern side. To the south are large detached houses with pitched roofs and yellow brick facades within a gated estate at Grange Place to the rear of houses in Stompond Lane.

5. The construction of the proposed houses in a backland position and their predominantly two storey form would not be out of keeping with the pattern of dwellings surrounding the site. But their modern rectilinear design with all houses having flat roofs and two with substantial single storey flat roofed elements would be a contrast in form. There would also be a contrast in materials with an off white brick being the main material supplemented by stained timber panels to the walls with a single ply membrane to the flat roofs.
6. Only the house on Plot 3 would be visible from public land with limited views possible of its recessed location along the narrow access from Red House Lane. Views of the houses on Plots 1 and 2 would only be possible from the access road, after entering the site. Private views of the houses would be possible from neighbouring dwellings and from their back gardens, but such views would be constrained by enclosures to the site. There is a brick wall about 3.5m in height to the northern boundary with 1A and 3 Red House Lane and to the side of no.1A by the site access. There is a substantial conifer hedges to the southern boundary with Grange Place and another to the western side. The houses would be visible from the upper floor windows of neighbouring houses, particularly from Red House Lane, but their flat roofs would result in houses of limited massing largely concealed by boundary enclosures.
7. The mixed form and materials palette of houses surrounding the site does not dictate a particular design or appearance that should be followed. The secluded nature of the site lends itself to a distinctive and contemporary design approach. Whilst neighbouring dwellings do not feature substantial areas of flat roofs, this alone would not be harmful to the character and appearance of the area provided the roofs are part of a well thought out design. In my judgement, the proposal would result in a high quality design that would be consistent throughout the development. It would also include the use of sustainable and energy efficient materials. The proposal's appearance would not therefore result in a detrimental effect on the character and appearance of the area.
8. The proposal would thereby comply with Policy CS17 of the Elmbridge Core Strategy (2011) (CS) and with Policies DM2 and DM10 of the Elmbridge Development Management Plan (2015) (DMP). These require housing proposals to deliver high quality, inclusive and sustainable design, the efficient use of urban land whilst responding to the positive features of individual locations and integrating sensitively with local character. The proposal would be compatible with guidance within the Elmbridge Design and Character Supplementary Planning Document (2012) that requires a design concept that understands the context of the site. Paragraph 130 of the National Planning Policy Framework states that whilst permission should be refused for development of poor design, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. The proposal reflects the approaches to development set out in the National Design Guide (2019).
9. The Council cannot currently demonstrate a five year housing land supply. The proposal would result in the benefit of three new dwellings that would assist in meeting the borough's housing needs. This also weighs in favour of the proposal.

10. Residents' objections to the proposal include the matters I have addressed and other issues. I was able to view the site from several adjacent plots at the time of my site visit. Although the new buildings would be visible from some adjacent dwellings, the separation distances, intervening screening and proposed glazing arrangements would ensure that there would be no material adverse effects arising from visual intrusion or overlooking. The building on plot 3 closest to the access would not be any more conspicuous than the existing house when viewed from neighbouring dwellings. As the massing of the houses would be relatively low, and adjacent gardens are not short, there would be no undue loss of light arising. Whilst vehicles would be brought on to the site, movements would not be so frequent or so close to result in noise disturbance. There should be sufficient space within the site to manage most construction activities and any disturbance arising from these would be temporary in nature. I note that the Highway Authority has not objected to the proposal and are satisfied that suitable access can be achieved. The loss of part of the series of archways along this part of Red House Lane to improve access and visibility at the entrance would not outweigh the benefits arising from the scheme. The siting of the houses sufficiently far from the boundaries and the tree protection measures proposed should enable neighbours' trees close to the site to be retained and safeguarded during development.

Conclusion

11. The proposal's appearance would be satisfactory in relation to the character and appearance of the area. The use of flat roofs and bespoke materials as part of a coherent and low lying design approach on this relatively secluded site would be appropriate. For the reasons given and having regard to all other matter raised the appeal is allowed subject to conditions.
12. In addition to the standard 3 year commencement condition, a condition is included requiring the development to be carried out in accordance with the approved plans for certainty and to enable the approval of minor material amendments should this be expedient. To ensure a satisfactory appearance to the development a condition is needed to require adherence to the specified external materials for the development. A condition is necessary to control the glazing of windows on certain elevations to each dwelling to preserve the privacy and amenities of neighbouring residents. For similar reasons a condition is needed to constrain development on the flat roofs.
13. The Council's suggested condition on flood risk mitigation is necessary to reduce the overall and local risk of flooding. Conditions are necessary to ensure the provision and retention of the proposed access, parking and turning arrangements to ensure the proper operation of the site. Bicycle parking and electric charging points should be provided in the interests of sustainability. Conditions are necessary to safeguard existing trees to be retained on the site and adjacent to the site by requiring adherence to the tree protection measures set out in the submitted tree protection plan. Finally, the Council's suggested condition on biodiversity is necessary to protect and enhance existing species and habitat on the site.

Rory MacLeod

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 162-D-02, 162-D-04 Rev C, 162-D-05, 162-D-06, 162-D-11-REV-A, 162-D-12 Rev B, 162-D-13 Rev A, 162-D-14-REV-A, 162-D-15-REV-A, 162-D-16-REV-A, 162-D-17 Rev A, 162-D-18 Rev A, 162-D-19-REV-A, 162-D-20-REV-A, 162-D-21-REV-A, 162-D-22-REV-A, 162-D-23-REV-A, 162-D-24 Rev A, 162-D-25 Rev A, 162-D-26 Rev A and 162-D-27 Rev A, 162-D-28, TCP/APA/AP/2018/007, and TPP/APA/AP/2018/007 Rev A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the submitted plans: Off white / multi brick, stained vertical cladding, single ply flat roof construction, powder coated aluminium profile to parapet, powder coated aluminium glazed doors, double glazed powder coated aluminium framed windows and permeable paved driveway.
- 4) Prior to the first occupation of the development hereby permitted the first floor windows on the south and west elevations of Plot 1 with the exception of the window serving the stairs; the first floor windows on the west elevation of Plot 2; and the first floor windows on the north and west elevations of Plot 3 shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which they serves. The windows shall be permanently retained in this condition thereafter.
- 5) The flat roofs of the single storey projections hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the local planning authority.
- 6) All flood mitigation measures shall be carried out in accordance with the approved details set out in the Flood Risk Assessment prepared by Ark Environmental Consultancy Ltd received on 01/08/2018.
- 7) The development hereby approved shall not be first occupied unless and until the proposed modified access to Red House Lane has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 8) No dwelling shall be 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 and turning areas shall be retained and maintained for their designated purposes.
- 9) No dwelling shall be occupied unless and until facilities for the secure parking of bicycles and for the charging of electric vehicles within the development site have been provided in accordance with the approved plans; these facilities shall thereafter be retained and maintained for their designated purposes.

- 10) No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all tree protection measures have been installed in accordance with the approved tree protection plan AP Arboriculture Tree Protection Plan 1 Red House Lane Walton on Thames KT12 1EF Drawing Number TPP/APA/AP/2018/007/A. The precise position of the approved tree protection measures, and to ensure that all tree protection measures have been installed in accordance with the approved tree protection plans, shall be confirmed at a meeting on site attended by a suitably qualified arboriculturist and a representative from the local planning authority prior to commencement of building operations.
- 11) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development. (a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in accordance with any approved supplied arboricultural information. (b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.
- 12) The development shall be carried out in accordance with the conclusions and recommendations, including any and all biodiversity enhancements, in the Ecological Appraisal and Phase 1 and 2 Bat Survey prepared by Phil Smith Conservation Consultant dated July 2017.