



Appeal Decision

Site visit made on 28 October 2020

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/K3605/W/20/3251420

10 Mulberry Close, Weybridge, Surrey, KT13 8RA

- 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 Helen Russell against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2557 dated 12 September 2019, was refused by notice dated 23 October 2019.
 - The development proposed is new two bedroom bungalow to the rear of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both the Council and Appellant were afforded an opportunity to clarify the Council's position regarding its housing land supply and provide comments as to whether this has any implications for how I consider the appeal. I have taken all further comments into consideration.
3. Notwithstanding the description of development in the banner heading taken from the application form, the application is for permission for a dwelling in principle.

Main Issues

4. The main issues are the effect of the proposal upon:
 - the character and appearance of the area; and
 - the living conditions of occupants of 9 Mulberry Close and 23 Meadows Leigh Close, with particular regard to outlook.

Reasons

Character and appearance

5. Mulberry Close is a cul de sac comprising 2 storey semi-detached houses either side of the road. At the end of the road, behind the turning head, there are 2 terraces of four houses and one pair of semi-detached houses. The appeal site is in the rear garden of No 10, just before the turning head and next to one of the terraces. All the houses are set back from the pavement behind front gardens and have spacious rear gardens.

6. Although the appeal site and other rear gardens are not visible from the street, they can be seen from the front first floor windows of properties in the adjacent terrace and from the rear first floor windows of other houses on Mulberry Close and Meadows Leigh Close. They contribute significantly to the pattern of development and therefore the character of the area.
7. Policy DM2 of the Elmbridge Local Plan Development Management Plan (April 2015) (LP) notes that attributes that should be given particular regard when seeking to preserve or enhance the character of an area include the prevailing pattern of built development and separation distances to plot boundaries. The Design and Character Supplementary Planning Document (April 2012) (SPD) indicates that where the character of an area warrants a greater depth of garden area, usually in excess of 15 metres, more spacious gardens are appropriate. The plans indicate, and my site visit confirmed, that the appeal site is in such an area.
8. I appreciate that the LP does not preclude back garden development for housing. However, the proposed development would take up a significant proportion of the rear garden. As a result, the garden serving the proposed development and the remaining garden at No 10 would both be smaller than is characteristic of the area and at odds with the pattern of development. The proposed development would therefore harm the character and appearance of the area and conflict with policies CS2, CS4 and CS17 of the Elmbridge Core Strategy (July 2011)(CS), policy DM2 of the LP, the SPD and the National Planning Policy Framework (2019) (the Framework) which require development to be of a high quality that preserves or enhances the character of an area.

Living Conditions

9. The siting of the proposed dwelling is such that it extends along a substantial part of the garden boundaries with 9 Mulberry Close to the side, and 23 Meadows Leigh Close to the rear, of the site. The high hedge on the boundary of No 23 currently screens views from the appeal site. However, there is nothing preventing the hedgerow from being removed. The proposed dwelling would then be visible and dominate views along the side boundary of both gardens. Due to its size and position close to their boundaries it would be visually intrusive and negatively impact on the outlook of occupants of No 23 and No 9 to an unacceptable degree.
10. The appellant has referred to permitted development rights potentially allowing buildings of a similar size. That does not change my conclusion that the harm caused by the proposal would be unacceptable. The proposal therefore conflicts with policy DM2 of the LP, and the Framework, which seek to protect the amenity of adjoining occupiers and users.

Planning Balance

11. The Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework. Consequently, paragraph 11(d) of the Framework is engaged. It requires 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 taken as a whole.

12. The proposal would provide benefits in terms of contributing towards the Council's housing land supply and providing jobs during construction, which weigh in favour of the development. In my view, the identified harm to the character and appearance of the area and the living conditions of existing occupants would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. Thus, the proposal would not be sustainable development for which the Framework indicates a presumption in favour.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR