



Appeal Decision

Site visit made on 30 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/20/3249649

Arenella, Mountview Road, Claygate, Esher, KT10 0UD

- 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 Mr & Mrs Jens Ostergaard against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2277, dated 15 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is new dwelling on land west of Arenella comprising single storey accommodation and detached garage with part basement below 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. No response was received.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the area; and
 - whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

4. The appeal site is in the front garden of the property named Arenella. Mount View Road comprises large, detached houses with a range of architectural styles. Houses either side of the road, north of the junction with Hill View Road, are set back behind relatively shallow front gardens and are visible from the road. That pattern of development continues on the west side of the road. However, on the east side of the road a group of houses, including Arenella and its neighbours, are set back behind large front gardens with mature trees and hedges screening them from the road. This creates a green visual break in the streetscape.

5. The Council's Design and Character Supplementary Planning Document (April 2012) (SPD) provides character summaries for different areas. The character summary for Claygate includes detached houses on large well landscaped plots, and well landscaped front gardens and boundaries of natural vegetation that define the roadside. The appeal site matches those character traits.
6. Views of Arenella and neighbouring houses are restricted to glimpses mainly from their access. The appeal site is well screened from the street when approaching it from the south. Due to the angle of the road it is not possible to see into the site from this approach until directly in front of the access. However, when approaching the appeal site from the north, at the access to Arenella, there are partial views from the road across the appeal site. The appearance and character of the site from this viewpoint is of a landscaped garden with a mix of trees. No buildings are visible.
7. The garage and front elevation of the proposed development would be visible from this view. Although existing vegetation and proposed landscaping would provide some screening, it would appear visually intrusive and out of character with the street scene.
8. I appreciate that the appellant has made significant changes to the design to mitigate against the reasons for refusing planning permission set out in previous decision notices and appeal decisions. In the most recent appeal¹ the Inspector referred to the proposed house spanning the full width of the plot and appearing relatively cramped. In the proposed scheme the house has been reduced in size and turned 90 degrees so that the smaller side elevation would face the frontage of the plot.
9. Tree planting is proposed between the double garage and the house to further break up the buildings' impact when viewed from the street. In addition, part of the proposed house has been cantilevered to protect the roots of trees along the front boundary of the site. The appellant contends that the proposed development would not be visible from the road and the plans include an illustration to demonstrate this. However, whilst I accept that when looking directly down the centre of the access from the street the house may not be visible, part of the double garage would be.
10. Furthermore, the angle of the road is such that when approaching the proposed new access from the north, much of the front elevation of the house would be visible despite the additional planting. Also, as noted by the Inspector in the most recent appeal decision, whilst landscaping can be protected in the short term by planning condition it would be hard to enforce its protection in perpetuity.
11. The proposed development would interrupt the pattern of development by introducing two buildings close to the street in a part of the road characterised by large landscaped undeveloped gardens. It would therefore harm the character and appearance of the area. The proposed development would therefore conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) and Policies CS11 and CS17 of the Elmbridge Core Strategy (2011) (CS) and the SPD which require that proposals should preserve or enhance the character of the area.

¹ APP/K3605/W/18/3195774

12. Paragraph 122 of the National Planning Policy Framework (the Framework) whilst supporting the efficient use of land requires the desirability of maintaining an area's prevailing character and setting (including residential gardens) to be considered. In this instance, the proposed development would not be an appropriate density because of its harmful impact on the character of the area and thus would conflict with the Framework in this regard.

Affordable Housing

13. Policy CS21 of the CS requires a financial contribution equivalent to the cost of 20% of the gross number of dwellings on sites of up to 4 dwellings. The appellant does not contest this requirement but has provided an incomplete unilateral undertaking. As such, based on the evidence before me, the proposed development does not make adequate provision for affordable housing and therefore does not comply with Policy CS21.

Planning Balance

14. 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.
15. 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 lack of a contribution towards affordable housing 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.

Other Matters

16. The appellants contend that there have been inconsistencies in recent planning decisions citing the new house adjacent to Ruxley Mount as being a similar development that was permitted. However, in that case, houses to the south of it were similarly positioned close to the road. That is not the case with the appeal site and as such they are not directly comparable.
17. Concerns have been raised by interested parties over highway and pedestrian safety. However, as I am dismissing the appeal for the proposal's effect on the character and appearance of the street scene and the failure to make adequate provision for affordable housing, I have not pursued these matters further.

Conclusion

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

P D Sedgwick

INSPECTOR