
Appeal Decision

Site visit made on 27 October 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/K3605/W/20/3253698
45 Walton Road, East Molesey, KT8 0DP

- 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 and Mrs Pasq Mingoia against the decision of Elmbridge Borough Council.
 - The application Ref 2020/0499, dated 20 February 2020, was refused by notice dated 11 May 2020.
 - The development proposed was originally described as construction of a single storey rear structure to be used as a commercial office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on
 - i) the character and appearance of the area;
 - ii) the living conditions of the residential occupants of 47A Walton Road, with particular regard to light and outlook; and
 - iii) parking stress in the local area, and the potential impact on the living conditions of residential occupants of neighbouring properties.

Reasons

Character and Appearance

3. The site comprises an open gap to the rear of the building at No.45 Walton Road. It faces School Road, which is a residential street characterised by traditional, mainly terraced housing. The proposal would extend No.45 into this area, creating a small new commercial unit fronting on to School Road.
4. This existing gap contributes little to the townscape. Many similar gaps in the surrounding area have been filled in, including a site immediately across the road. There are no persuasive reasons why a commercial property could not sit beside residential properties, particularly given the close proximity to similar development on Walton Road. At one storey in height the proposal would preserve the status and setting of the larger neighbouring residential properties, which it would be set away from. In terms of its scale it would also be visually subservient to the host building at No.45 Walton Road, to which it would be attached. This would not, in principle, be a cramped development.

5. However, the School Road elevation would be poorly detailed. Visually, the extension would not be significantly differentiated from the host property, with the brickwork merging into the existing building. This would result in a long, sprawling frontage along School Road. It would be punctuated by a range of windows and doors of varying opening sizes and designs, culminating in a recessed bin store. This elevation would appear random and incoherent, a situation that would not be resolved by the triangular roof feature set immediately above the new shopfront style frontage.
6. Consequently, there would be unacceptable harm to the character and appearance of the area, as a consequence of the design of this proposal. It conflicts with policies CS7 and CS17 of the Elmbridge Core Strategy (July 2011) ("Core Strategy"), together with policy DM2 of the Elmbridge Development Management Plan (2015) ("Development Management Plan") all of which seek, amongst other things, to achieve a high standard of design that enhances the local character of the area. The proposal would also conflict with the Elmbridge Design and Character Supplementary Planning Document (2012) ("Design and Character SPD") which shares similar objectives.

Living Conditions

7. The proposal would be built adjacent to an area currently functioning as private residential external amenity space associated with the property at No.47A Walton Road. I was able to assess the effect on this area, from the appeal site.
8. The extension would be built right up against this space, along almost the entirety of its eastern boundary. Rising to around 2.9 metres in height, it would be significantly more overbearing and visually prominent than a typical garden fence. Because of the significant depth of the extension, right up against the boundary, it would enclose this neighbouring residential garden area to a significant degree and would also be likely to result in a noticeable loss of light in the respective garden area.
9. Evidence has been provided that historic legal covenants limit the use of this neighbouring external space. However, it would appear to now be in residential use, for planning purposes. Whilst the area is already somewhat enclosed to its other sides, this does not justify the additional harm that would occur.
10. The proposed development would therefore be unacceptable in terms of its effect on the living conditions of the neighbouring residential occupants at No.47A Walton Road, due to loss of light and outlook to its rear external amenity space. The proposal conflicts with policy DM2 of the Development Management Plan which requires, amongst other things, that proposed development protects the amenity of adjoining occupiers. It also conflicts with the Design and Character SPD which shares similar objectives.

Parking

11. The site has historically been used for parking but is not at present. The proposed office would be a small building close to reasonable public transport links. Consequently, whilst no vehicular parking would be provided, the impact of any parking demand created by the development is likely to be minimal. Furthermore, on the evidence before me¹ the proposal would result in the reinstatement of the adjacent footway providing two additional on-street

¹ Paragraph 25 of the officer report.

parking spaces. This would potentially help alleviate the parking stress being described by local residents.

12. The proposal would not therefore result in unacceptable levels of additional parking stress resulting in significant harm to the living conditions of the residential occupants of neighbouring properties. In this respect there is no conflict with policies DM2 and DM7 of the Development Management Plan, which seek to avoid the loss of amenity to existing residents.

Other Matters

13. Interested parties raise a number of other issues. However, these do not add to the harm identified in the first two main issues.
14. Whilst the proposal complies with other policies in the development plan, this does not overcome the harm that would arise on the first two main issues in this appeal.
15. There would be economic and social benefit through the provision of an additional office building in this location, which is well suited for such development. As noted previously, it is a relatively accessible location, and would comply with other policies in the development plan and the National Planning Policy Framework which seek to encourage such development. These considerations weigh in favour of the proposal. However, they do not outweigh the harm identified.

Conclusion

16. Whilst the proposal would be acceptable in terms of its effect on parking stress, it would result in unacceptable harm to the character and appearance of the area, and the living conditions of neighbouring residents through loss of light and outlook. The proposal therefore conflicts with the development plan, when it is considered as a whole, and there are no other considerations, including national planning policy, that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR