



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: 16 December 2020

Appeal Ref: APP/K3605/W/20/3249886

Land Adjacent to 14 Elm Road, Claygate, Esher, KT10 0EH

- 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 G Saunders against the decision of Elmbridge Borough Council.
 - The application Ref 2019/3541, dated 16 December September 2019, was refused by notice dated 9 March 2020.
 - The development proposed is erection of a detached, two-storey building with additional roof accommodation providing 3[no] flats with associated parking, cycle store and bins.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A parking stress survey and draft Unilateral Undertaking for affordable housing contributions were submitted with the appellant's final comments. The Council was given an opportunity to comment on them and subsequently withdrew its objection to the proposal on the grounds of car parking provision but not to affordable housing provision. This was because a certificate of title had not been supplied. This was later provided by the appellant and the Council informed but no further response has been received.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal upon the living conditions of occupants of Nos 14 and 15 Elm Road, with particular regard to outlook; and
 - whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

4. Elm Road is a Cul de Sac with a varied character. The road is on a slight incline, sloping down from the road entrance towards the turning head at the end of the road. The appeal site is located on a corner site between two houses next to the turning head. At the higher end of the road, away from the appeal site, the properties comprise older terraced and semi-detached houses.

5. At the bottom of the road the appeal site and neighbouring properties comprise more modern post war semi-detached 2 storey houses. The roofs are gable ended, relatively low pitched and unaltered at the front. They do not appear to have any accommodation in their roof space.
6. The proposed development comprises three storeys, with the second floor accommodation in the roof space. To accommodate the second floor apartment, the top of the roof would be flat with tiled sides dropping down to the eaves. These are at a steeper pitch than those of neighbouring properties. Two roof dormers and a triangular projection on one corner of the building are proposed to further maximise space. The eaves appear to be higher than that of neighbouring houses.
7. The proposed development's height to width ratio gives it a more vertical emphasis than the neighbouring pairs of semi-detached houses. This difference in proportions is accentuated by its higher roof, steeper pitched roof sides and higher eaves. Consequently, it appears out of character with neighbouring properties.
8. The proposed building is set back behind the current building line. This is necessitated by the narrow entrance to the plot which then widens deeper into it. Whilst this to some extent would restrict views of the building from the front, on Elm Street, it brings the building closer to properties to the rear and side from where its uncharacteristic appearance would be more apparent. From views on all sides the proposed development would be out of character with the prevailing development in terms of its design and position within the plot and would harm both the character and appearance of the area.
9. The proposal would therefore be contrary to policy CS17 of the Elmbridge Core Strategy (2011) (CS), Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (LP) and the Council's Design and Character Supplementary Planning Document (April 2012) which require that development should integrate sensitively with, and preserve or enhance the character of, the area taking into account appearance, height, mass and scale.
10. The proposed development would not be an appropriate density because of its harmful impact on the character and appearance of the area and would therefore conflict with paragraph 122 of the National Planning Policy Framework (the Framework) in this regard.

Living Conditions

11. The back garden of 15 Elm Road is wedge shaped with its widest point at the rear of the garden. As a result, the boundary between No 15 and the appeal site is at an angle which increases further into the plot. The proposed development would be set back into the appeal site. Although it would run along the boundary with No 15, it would be at such an angle that it would only be visible on the periphery of occupants' field of vision when looking out from the rear of the property. The distance between the proposed development and the rear façade of No 15, and the main part of the garden extending to the rear of it, is such that the harm to occupants' outlook would not be significant enough to warrant withholding planning permission.
12. The proposed development would be closer to the boundary with No 14. I appreciate that the proposed building has been laid out so that the nearest part

to the rear of the house is a corner with walls projecting away from it. Nevertheless, because of its position within the plot and proximity to the boundary, it would fill most of the field of vision looking to the side from No 14. Despite the angle of view, it would be a dominant and visually intrusive, rather than peripheral, feature with an unacceptable overbearing impact on the outlook from the rear of No 14.

13. The proposal would therefore conflict with Policy DM2 of the LP, the SPD and paragraph 127 of the Framework which seek to protect the amenity of adjoining occupiers and users.

Affordable Housing

14. 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 and has provided a unilateral undertaking and certificate of title. As such, the proposed development would make adequate provision for affordable housing and therefore complies with Policy CS21.

Planning Balance

15. 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.
16. 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.

Other Matters

17. Interested parties raised concerns regarding privacy and access to daylight and sunlight. I am satisfied that the distance between the proposed development and its neighbours, and the layout proposed, is such that there would be no harmful loss of privacy, overshadowing or restricted access to daylight.
18. I have had regard to other matters raised including the effect of the proposal on ecology and surface water drainage; the impact of construction traffic; car parking provision; the extent of amenity space; and the adequacy of local services to meet the needs of occupants. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

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

P D Sedgwick

INSPECTOR