



Appeal Decision

Site visit made on 12 January 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Appeal Ref: APP/K3605/W/20/3259980

54, Claygate Lane, Esher KT10 0BJ

- 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 Julian Felstead on behalf of Azor Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1342, dated 9 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is detached two-storey house with rooms in the roof space, associated access, parking, bin store and cycle store following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the appeal proposal would represent the efficient and effective use of land within the urban area, with particular regard to meeting identified local housing needs.

Reasons

Meeting local housing need

3. The appeal site is located within a well-established residential street within the urban area of Esher. The appeal site's context is characterised by large lower-density housing development and this is typical of the wider Borough. The appeal site benefits from an extant planning permission for a 3 bedroom dwelling which is similar to the appeal proposal with the exception of the provision of a further bedroom in the roof space.
4. The Council's Strategic Housing Market Assessment (SHMA) evidences that local housing need currently relates to 1, 2 and 3 bedroomed units. Furthermore, it indicates that those dwellings with 4 or more bedrooms are already well-provided for to meet the identified local housing needs. High levels of unaffordability have also been evidenced.
5. Attention has been drawn to the Council's Development Management Note on Optimising Development Land (2018). This advances that larger dwellings do not make positive contribution towards the needs identified in the SHMA and

- should be avoided unless it can be demonstrated it is needed to make efficient use of land.
6. Paragraph 117 of the National Planning Policy Framework (the Framework) supports an effective use of land. This includes supporting the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
 7. Paragraph 122 of the Framework indicates that planning decisions should support development that makes the efficient use of land, taking account of the identified need for different types of housing and the availability of land suitable for accommodating it.
 8. Furthermore, paragraph 123 of the Framework states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions ensure that developments make optimal use of the potential of each site. Applications should be refused which are considered to fail to make efficient use of land.
 9. Making optimal use of the potential of the appeal site would extend to its contribution to identified local housing needs in terms of the overall supply of housing, unit size and affordability.
 10. In quantitative terms, the appeal proposal would intensify the use of the site as it would constitute an additional unit over and above its host, No 54, Claygate Lane. The use of the appeal site for a single dwelling unit has previously been established through the extant scheme.
 11. However, the contribution that the particular appeal proposal would make to the housing land supply would be neutral. This is because the extant consent is a housing commitment which already contributes to the current housing land supply. There would be no further increase in numbers of dwelling units as a consequence of the appeal scheme. Its contribution would therefore weigh neutrally in the planning balance.
 12. In terms of type and size of unit, the appeal proposal would result in the development of a 4 bedroom dwelling which, unlike the extant scheme would not meet the identified local needs for smaller sized dwellings. This would represent a mismatch between needs and provision within a very constrained housing land supply and delivery context.
 13. The appeal proposal would reduce the opportunity for one smaller dwelling situated on this plot to contribute to the existing housing stock. The submitted evidence does not demonstrate that the extant scheme would not be deliverable.
 14. In terms of affordability, the appeal proposal has been supported by a unilateral undertaking which would secure a contribution towards off-site provision of affordable housing. The Council has confirmed that undertaking would be appropriate. This would be a benefit which would weigh moderately in favour of the appeal proposal because of its limited nature.
 15. Decisions have been advanced to support the opposing stances on this main issue. Those decisions relate to sites with a greater yield and where there were further matters that were weighed in the planning balance. Therefore, they are

not sufficiently comparable to the specific circumstances of this appeal to be attributed weight in favour of the scheme or otherwise.

16. Overall, this particular proposal would not make the optimal use of the potential of the appeal site. The consequences of this would amount to a significant adverse impact on the future supply of dwellings to meet the identified local housing needs, where such provision is already very constrained.
17. For the reasons given, the appeal proposal would not represent the efficient and effective use of land within the urban area, with particular regard to meeting identified local housing needs.
18. Policy CS17 of the Elmbridge Core Strategy (2011) (the Core Strategy) acknowledges that this Borough is characterised by low density development and replicating this would not meet the current shortfall in housing and would result in unsustainable patterns of development in terms of access to services and facilities. Policy CS19 of the Core Strategy states that a range of housing types and sizes on developments across the Borough will be sought in order to create inclusive and sustainable communities reflecting the most up to date SHMA in terms of size and type of dwellings.
19. The appeal proposal would conflict with these policies. These policies align with the Framework and their weight is unaffected.
20. Policy CS21 of the Core Strategy seeks a financial contribution equivalent to the cost of 20% of the gross number of dwellings on sites of 1-4 dwellings. Main parties are agreeable to the level of contribution proposed by the appellant. Consequently, there is no conflict with this policy.
21. The supporting text to Policy DM10 of the Elmbridge Development Management Plan (2015) (the EDMP) confirms that it relates to larger sites and the net loss of existing housing units. Therefore, it is not relevant to the appeal proposal.

Other Matters

22. The absence of harm to living conditions of occupants of neighbouring properties and effect on the character and appearance of the area, flood risk, on-street car parking levels and highway safety would weigh neutrally in the planning balance.
23. The provision of flexible living space which would offer more scope to reduce commuting and respond to changing trends arising from the Covid-19 pandemic would be a benefit of the scheme. This would attract limited weight as sufficient certainty of this occurring has not been demonstrated.

Planning Balance

24. There is no dispute between main parties about the absence of a 5-year housing land supply and the outcome of the recent annual Housing Delivery Test (HDT). In accordance with footnote 7 of paragraph 11 of the Framework the 2 tests set out in paragraph 11 (d) are engaged in this instance.
25. From the evidence before me, the policies in the Framework which protect areas or assets of particular importance do not provide a clear reason for refusing the appeal proposal. Consequently, the appeal proposal would meet test d) (i) of paragraph 11 of the Framework.

26. The appeal proposal would contribute towards off-site affordable housing which would attract moderate weight in favour of it. The appeal proposal could also provide flexible living space which would attract limited weight in favour of it.
27. The contribution to the overall supply of housing would be of neutral weighting. The appeal proposal would not adversely impact on the living conditions of neighbouring residents. No other adverse impacts and subsequent conflicts with the development plan have been substantiated. These would weigh neutrally in the planning balance.
28. However, the particular appeal scheme would not adequately meet the considerable identified housing needs for the Borough. This adverse impact would weigh significantly against the appeal proposal.
29. There would be an adverse impact of granting permission that would significantly and demonstrably out-weigh the identified benefits. This would indicate that this appeal should not succeed.

Conclusion

30. The identified local policy conflicts would weigh against the appeal proposal. From the evidence before me, there are no material considerations that would out-weigh the conflict with the development plan when taken as a whole.
31. For the reasons given, this appeal should be dismissed.

C Dillon

INSPECTOR