



Appeal Decision

Site Visit made on 24 February 2021

by H Miles BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

2 Stoke Road, Cobham, KT11 3AS

- 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 N Donoghue against the decision of Elmbridge Borough Council.
 - The application Ref 2020/0236, dated 31 January 2020, was refused by notice dated 27 July 2020.
 - The development proposed is demolition of existing dwelling house and detached garaging; and erection of a detached, two-storey building with additional roof accommodation providing 4(no) flats with associated parking and bin storage.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) has been submitted which includes mechanisms to contribute towards mitigation of the effects of the proposed development on the Thames Basin Heath Special Protection Area (TBHSPA) and to contribute towards affordable housing. I will return to these matters later in this decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Tilt Conservation Area (the CA).

Reasons

4. The Tilt Conservation Area derives its significance as a whole from the historic open common land of the Tilt and the buildings which surround it. The Tilt Conservation Area Character Appraisal & Management Plan (the Appraisal) identifies the appeal site as being within the 'rural edge' Character Area. The positive characteristics of this area include its two storey buildings, with an open, more organically developed edge to the common. The built form to this rural edge is highly visible in views from the Tilt. These features make a positive contribution to the pattern of development and character and appearance of the Conservation Area.
5. 2 Stoke Road is one of the properties which sits on the eastern edge of Tilt Green. It is a two storey dwelling set substantially back from the boundary with Tilt Green. The site is visually prominent in the vista across Tilt Green from the junction of Stoke Road and Tilt Road. The other properties which form this eastern edge are detached two storey buildings with pitched roofs, set in their own grounds with a substantial set back from the boundary to Tilt Green. Whilst the building line is not uniform there is a degree of alignment to the front elevations of these properties. The sense of spaciousness achieved by the

separation from the front boundary along this building line makes a positive contribution to the openness of the Tilt and the character and appearance of the CA.

6. The proposed development would be noticeably larger than others in the nearby area in terms of its massing at first floor level and increased bulk at roof level as evidenced by a large expanse of flat roof. This would result in an overly large building which would be harmfully dominant in this highly visible position and in the vista across the CA.
7. Furthermore, the proposed building would have a noticeable step forward compared with the neighbouring property at 2a Stoke Road, notwithstanding that this would still leave a gap to the front boundary. However, the increased proximity of the front elevation to the boundary would undermine the existing building line, and the excessive massing at first floor and roof level would emphasise this. This would be harmful to the sense of spaciousness to the boundary of Tilt Green and consequently would erode the important open character in this part of the CA. The building would be well detailed, however this would not overcome my concerns with regard to its size or siting in this context.
8. A previous similar application at this site was refused for different reasons. However, I have determined this appeal on its individual merits and on the basis of the evidence before me.
9. Consequently, the proposed development would not preserve or enhance the character or appearance of the CA for the reasons set out above. It would be contrary to Policies DM2a and b and DM12b of the Elmbridge Local Plan April 2015 (the Local Plan) and CS17 and CS10 of the Elmbridge Core Strategy July 2011 (the Core Strategy) which together set criteria to achieve high quality design taking into consideration local character, seek that development within conservation areas will protect, conserve and enhance the historic environment and require that developments in Cobham are well designed and integrate with and enhance local character, particularly in conservation areas. Along with the advice in the Appraisal which seeks good quality new developments which respond positively to their historic setting. This harm must be weighed against the public benefits of the scheme, and I will return to this matter later in my decision.

Other Matters

Affordable Housing

10. Policy CS21 of the Core Strategy predates the Framework and requires that for this development a financial contribution equivalent to the cost of 20% of the gross number of dwellings should be provided. However, the Framework sets out that affordable housing should not be sought for residential developments that are not major developments.
11. The Council indicates that there is an acute need for affordable housing in the Borough, the importance of small sites in delivering this, and that these requirements do not place a disproportionate burden on developers. However, substantive evidence has not been provided to support these assertions. As such the weight that I afford to these statements is limited.

12. In the absence of specific local evidence, in these circumstances, national policy is a material consideration that outweighs the development plan. Consequently, I do not find such a contribution to be necessary. As such this would not meet the relevant tests for a planning obligation and I have not taken it into account in this decision.

Heritage Balance

13. In terms of the Framework the harm to the CA would be less than substantial. However, the Framework advises that Heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance. It goes on to require that any harm should be weighed against the public benefits of the scheme.
14. There would be social and economic benefits associated with the provision of new homes, however given the size of the development proposed these benefits are limited in their scale. On the other hand, having regard to my statutory duty I am required to attribute considerable weight and importance to the harm I have found to the CA.
15. Accordingly, taking all the above into account, the limited public benefits would not outweigh the harm to the CA.

Planning Balance

16. The Council cannot demonstrate a 5 year housing land supply. Therefore paragraph 11(d) of the Framework is engaged. However, as set out above, the application of policies relating to designated heritage assets (in this case, the CA) provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply in this case.

TBHSPA

17. The TBHSPA is a habitats site that has a high level of protection. It is designated because of the presence of breeding populations of Dartford Warblers, Woodlarks and Nightjars. The Council has a strategy that seeks to mitigate the impacts on the TBHSPA sites arising from domestic cats, rats, recreation and dog walking from residents of new dwellings. The appellant has provided mitigation in the form of a Strategic Access Management and Monitoring Contribution. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

18. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR