



Appeal Decision

Site Visit made on 25 February 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/K3605/W/20/3262953

2 Beauchamp Road, East Molesey, KT8 0PA

- 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 Octagon Developments Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1273, dated 16 June 2020, was refused by notice dated 22 September 2020.
 - The development proposed is two detached two-storey buildings with rooms in the roof space to create 10 flats with associated parking, new access from Spencer Road, bin and cycle stores, landscaping, alterations of two existing accesses from Beauchamp Road and removal of one existing access following demolition of existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (a) the effect of the proposal on the character and appearance of the area in respect of the width, depth and design of the buildings and the parking arrangements,
- (b) whether the sizes of the units would make efficient use of the land,
- (c) whether there should be a requirement to contribute towards affordable housing provision, and
- (d) the impact of the proposed western building on the living conditions of occupiers of 2A Beauchamp Road in relation to its siting, height and design.

Reasons

Character and appearance

3. The appeal relates to a corner plot on the southern side of Beauchamp Road at its junction with Spencer Road which is considerably wider than neighbouring plots on this side of Beauchamp Road. The surrounding area is residential in nature characterised by detached dwellings with some semi-detached houses. There is variation in the width of plots and in the size and height of dwellings. Most buildings have two storeys, but a few are arranged over three floors. Several have rooms in the roof space and dormer windows. The buildings are of varying design and roof treatment and present attractive appearances in the street scene.

4. The eastern building would be a little wider and deeper than the existing detached house to be replaced but would be similarly aligned to Spencer Road. Its more forward siting would better reflect the line of frontages to Beauchamp Road. The western building would be wider and in combination the two buildings would present a mass to the Beauchamp Road frontage greater in width than commonplace for adjacent buildings in the surrounding area.
5. The two buildings would be similarly designed and have identical heights. They would be higher than some nearby buildings and lower than others. But the horizontal lines to their extensive flat topped crown roofs would compare unfavourably with the generally well-articulated pitched roofs, albeit of varying design, to neighbouring buildings. There are a few buildings with crown roofs in the area such as at 8 Beauchamp Road and in Molesey Park Road, but these are much smaller in area than those now proposed. Moreover, all have their long axis parallel with side boundaries and are partially obscured by adjacent buildings. By contrast, the long axes to the crown roofs now proposed would be parallel to the principal road frontage, adding to their prominence, and the crown roof for the eastern building would be particularly conspicuous being located on a corner. The width of the proposed buildings in combination with their crown roofs would result in a form of development that would greatly detract from the character and appearance of the area.
6. Notwithstanding alterations to vehicular accesses for the site much of the vegetation to the Spencer Road frontage towards the corner should be able to be retained. This would help to soften the appearance of the parking arrangements. The Beauchamp Road frontage would be more open and hard surfaced for parking, but there would still be scope to provide supplementary landscape measures to ensure a satisfactory appearance in the street scene commensurate with the character of frontages in the locality.
7. Nonetheless the width and roofscape of the two buildings would be harmful to the character of the area. The proposal would thereby conflict with Policies CS7 and CS17 of the Elmbridge Core Strategy (2011) (ECS) and with the parts of Policy DM2 of the Development Management Plan (2015) (DMP) which require development to be of high quality design, based on an understanding of local character and the context and appearance of East Molesey.

Unit sizes

8. The mix of 2 and 3 bedroom flats would be in accordance with the Council's identified need for smaller dwellings but all flats would have much larger floor areas than the minimum areas set by the Nationally Described Space Standards (NDSS). The appellant points out that developers must assess what is most appropriate in terms of unit numbers and their respective sizes in order to ensure a development is viable. It is claimed that an alternative appraisal identified that if the unit sizes were to be reduced, the impact on the figures meant that the site would not create a profit level that would allow the scheme to come forward. However, the appellant's viability submissions do not provide clear evidence to verify this assertion in relation to unit sizes.
9. All 2 bedroom units would be more than 30sqm above the NDSS of 70sqm and the 3 bedroom units would both be more than 50sqm above the NDSS of 95sqm. Whilst national and local planning policies do not require a rigid adherence to minimum sizes, and it is reasonable to allow some variation to reflect market circumstances, they do require an effective use of land. All units

would have floor areas substantially above the NDSS and this has contributed to the overall mass of the proposed buildings. The development would be contrary to Policy CS17 which requires development to maximise the efficient use of land and with Section 11 of the Framework on effective use of land.

Affordable housing

10. Policy CS21 of the ECS sets an affordable housing requirement of 30% of the gross number of dwellings on sites of 6-14 dwellings where viable. There has been considerable dialogue between the parties during application and appeal stages on whether the scheme could reasonably contribute towards affordable housing due to viability concerns. The appellant's initial viability assessment concluded that a 20% profit margin would be appropriate to the development in which case it would not be able to yield an affordable housing contribution. Latterly, the appellant has accepted that a profit margin of 17.5% would be acceptable with the consequence that a commuted payment of £67,000 could be made. The appellant indicated that a suitable Unilateral Undertaking would be submitted to confirm this with a clause to ensure that the future occupiers would not be charged ground rent. However, no such document has been received as part of the appeal.
11. I acknowledge that fluctuations in market conditions generally but particularly following the coronavirus pandemic have contributed to uncertainty on yields that may be generated from a scheme, and that this may influence where in a range a profit margin should be set. But from the evidence before me relating to current expectations it would appear that the scheme could reasonably contribute towards affordable housing. An affordable housing contribution is therefore required. It would be necessary to make the development acceptable in planning terms. A planning obligation to secure this would satisfy the tests for obligations set out at Paragraph 56 of the Framework. In the absence of a suitable affordable housing contribution, considering viability, the proposal would be contrary to Policy CS21.

Living conditions

12. The proposed western building would be located about 1.7m from the boundary with 2A Beauchamp Road but would have a staggered rear wall increasing in depth with distance from the boundary. The building would not infringe a 45° line taken from the nearest windows at the rear on no.2A and so would accord with the Council's guidelines for light and outlook for neighbouring occupiers. Whilst the building would have a large mass beyond the line of the rear wall to no.2A and would be visible from within the back garden, its proximity and height would not result in an overbearing impact. If the development had been acceptable in other respects, a planning condition could have been imposed to ensure that there would not be any loss of privacy arising from side windows in the building. I have noted the representations from residents on the proposal but conclude that the separation distances to other dwellings would be sufficient to safeguard living conditions at these neighbouring buildings.
13. The development would not have a significant adverse effect on the living conditions of occupiers of 2A Beauchamp Road or other neighbouring occupiers in relation to its siting, height and design. It would not therefore conflict with Policy DM2 which requires proposals to protect the amenity of adjoining occupiers in relation to matters including outlook, natural lighting and privacy.

Planning balance

14. The Council acknowledges that it is currently not able to meet its five year housing supply target. The normal planning balance therefore does not apply, and the 'tilted balance' at Paragraph 11 of the Framework is engaged.
15. The proposal would result in the benefit of a net increase of 9 dwellings at the site which would be in accordance with the Government's objective to significantly boost the supply of homes. The proposal would provide 2 and 3 bedroom flats in a residential area with good access to everyday services. The scheme would also lead to a time-limited economic benefit during the construction phase, which may give rise to extra local employment.
16. Set against this is the significant harm that would arise to the character and appearance of the area from the combination of the buildings' width and crown roofs given their prominence along the long Beauchamp Road frontage and at the road junction. There would also be scheme shortcomings in relation to unit sizes in making effective use of land and on the need for an affordable housing contribution. These matters significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would also conflict with the development plan and there are no other considerations that outweigh this conflict.

Conclusion

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

Rory MacLeod BA(Hons), MRTPI

INSPECTOR