
Appeal Decision

Site visit made on 7 April 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/K3605/W/20/3261907

4 Weston Avenue, West Molesey, KT8 1RG

- 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 T Stedman against the decision of Elmbridge Borough Council.
 - The application Ref 2020/0395, dated 5 February 2020, was refused by notice dated 29 April 2020.
 - The development proposed is the erection of a detached, two-bedroom property and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Unilateral Undertaking (UU) has been submitted which includes mechanisms to contribute towards affordable housing. I will return to this matter later in this decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of future occupiers of the proposal dwelling and on the occupiers of 4 Weston Avenue, with particular reference to outdoor space;
 - The effect of the proposal on the living conditions of the occupiers of 4 Weston Avenue, with particular reference to outlook; and
 - Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

4. The appeal site comprises of part of the side garden of 4 Weston Avenue, a semi-detached, two storey dwelling.

5. The surrounding area is highly mixed in character and appearance, comprising detached, semi-detached and terraced houses, chalets and bungalows of varying architectural styles and designs.
6. The proposed dwelling would be two storey in height, with a narrow frontage width but significant depth. It would be positioned adjacent to the southern boundary of the site, beyond which are several single storey buildings within the rear garden of 415 Walton Road. The main flank elevation would be approximately 3 metres from the proposed new boundary with 4 Weston Avenue and its rear elevation would be about 1.5m from the rear boundary.
7. Whilst the dwelling would be set back from the Weston Avenue road frontage by a similar amount to the adjacent dwellings, due to its layout and siting it would appear cramped in relation to the side and rear boundaries of the site. The cramped nature of the proposal would be further manifest by its two storey height, in combination with its narrow width and extensive depth. The narrow frontage width of the dwelling would be further emphasised by the steep pitch to the roof whilst the deep flank elevations would be evident in the street scene, particularly when viewed on the approach towards Walton Road. Moreover, the flank elevations, which would incorporate extensive tiling at first floor level, would lack design detailing and would appear bland and overly dominant, at odds with the prevailing character of the area.
8. The appellant has provided a comparison of plot ratios in the immediate area. This confirms that the proposal would have a plot ratio of 41%. Whilst there are other developments in the local area that display a similar plot ratio, this does not alter my view that the proposal would be out of character with the prevailing form of development along Weston Avenue, even having regard to its mixed character and appearance.
9. I therefore conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the area. Thus, the proposal would be contrary to Policies CS7 and CS17 of the Core Strategy 2011 (CS) and Policy DM2 of the Development Management Plan 2015 (DMP) which collectively require development to be of a high quality and to integrate with and enhance local character. The proposal would also fail to comply with advice contained within the Design and Character Supplementary Planning Document 2012 (SPD) which also seeks to secure high quality development in the Borough that respects local character. The proposal would also conflict with the National Planning Policy Framework (the Framework) insofar as it requires a high standard of design.

Living conditions – outdoor space

10. The proposed dwelling would be provided with a garden to the side which would have a depth of around 11.5 metres and accordingly, would comply with the guidance set out in the Council's Design and Character SPD.
11. The proposed garden would be sited on the northern side of the dwelling and would have a limited width of about 3 metres. The two-storey flank wall of the dwelling would enclose the garden along much of its length, with the new boundary enclosure with 4 Weston Avenue on the other side. The garden would be screened from the road frontage by a single storey outrigger to the dwelling.

12. An overshadowing analysis has been submitted that considers the impacts on existing and proposed availability of sunlight in response to the Council's concerns regarding lack of received sunlight. This report confirms that development on the plot would overshadow the garden in March with only 18% of the garden benefitting from two hours of direct sunlight on March 21st which would not comply with the BRE guidance. However, in April, May and June a greater percentage of the garden would receive at least two hours of sunlight during the day.
13. Whilst part of the proposed garden would receive some sunlight in the summer months, I consider that due to its aspect, limited width and positioning adjacent to the two storey flank wall of the proposed dwelling, it would be a rather oppressive space that would not be particularly usable and would not offer a high standard of outdoor amenity space for future occupiers.
14. The amount of outdoor space for the host dwelling would also be considerably reduced as a result of the proposal. 4 Weston Avenue currently has a shallow garden to the rear, but a generous side garden. The resultant garden would be largely limited to the space to the rear of the dwelling which has a limited depth of just over 5 metres. This depth of amenity space provision would fall short of that normally required by the Council, as set out in the SPD and would be significantly less than that which is characteristic of the area. Whilst the overshadowing report confirms that the remaining garden of No 4 would receive acceptable levels of sunlight in compliance with the BRE guidelines, I nonetheless find that due to its limited size, it would not provide an appropriate amount of outdoor space in relation to the size of the dwelling.
15. I acknowledge that the site is within easy reach of other outdoor spaces as highlighted by the appellant. However this does not lessen my concerns with regard to the provision of private outdoor space.
16. I therefore find that the proposal would have a harmful effect on the living conditions of future occupiers of the proposal dwelling and on the occupiers of 4 Weston Avenue, with particular reference to outdoor space. The proposal would be contrary to Policy DM10 of the DMP, the SPD and paragraph 127 f) of the Framework which together require a high standard of amenity for existing and future users.

Living conditions – outlook

17. The Council confirm in their officer report that the proposed new dwelling would not trigger the 45 degree rule as referenced in the SPD due to the rear utility room projection. The proposed two storey dwelling would nonetheless extend beyond the main rear elevation of 4 Weston Avenue. However, it would be set in from the side boundary of the site by at least 3 metres and having regard to this separation distance I am satisfied that the proposed dwelling would not result in a significant loss of outlook to the occupiers of No 4.
18. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of 4 Weston Avenue with particular reference to outlook. Thus, in relation to this issue, the proposal would not conflict with Policy DM2, the SPD or the Framework which together require a high standard of amenity.

Affordable housing contribution

19. A signed unilateral undertaking (UU) has been submitted, which provides for a financial contribution towards affordable housing in line with Policy CS21 of the CS. However, as the appeal is being dismissed on other substantive issues, it is not necessary for me to look at this in detail. Nevertheless, I have taken the proposed contribution towards affordable housing into account in my overall planning balance.

Other matters

20. I acknowledge that the proposal would provide for a new dwelling in an accessible location that is less constrained than some other parts of the Borough. However, this consideration does not outweigh the harm I have identified.
21. I note the appellants comments regarding a scheme at 554 Walton Road and the need for decision making to be consistent. However, based on the information before me I can see little direct comparison with the appeal proposal. In any event, I am required to determine the appeal on its own merits.
22. The main parties acknowledge that the Council cannot meet its five-year supply of deliverable housing. As such, the relevant policies for the supply of housing should not be considered up to date. I shall address the implications of this for the approach to decision making in the planning balance.

Planning balance and conclusion

23. Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As the Council cannot demonstrate a 5-year supply of housing land, in line with paragraph 11d) of the Framework, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
24. The Framework refers to boosting significantly the supply of housing, the provision of an additional unit would make a small but meaningful contribution. Furthermore, in providing a smaller unit, the proposal would respond to an identifiable local need. The proposal would also make a contribution towards affordable housing. Together, these are matters to which I afford significant weight. Furthermore, there would be economic benefits during the construction phase and from spending by future occupiers which further weighs in favour of the development.
25. Whilst I have found that the proposal would not be harmful to the living conditions of the occupiers of 4 Weston Avenue with particular reference to outlook, the lack of harm in this respect does not weigh in favour of the scheme, rather the impact is neutral.
26. In terms of adverse impacts, I have found that the appeal scheme would cause significant harm to the character and appearance of the area. Furthermore, the proposal would have a harmful effect on the living conditions of the occupiers of 4 Weston Avenue and on future occupiers of the dwelling, with regard to

outdoor space. The proposal would therefore conflict with Policies CS7 and CS17 of the CS and Policies DM2 and DM10 of the DMP. I attribute significant weight to this policy conflict.

27. Bringing all together in the final balance, I consider that the harm to the character and appearance of the area and to the living conditions of the existing and future occupiers with reference to outdoor space would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Furthermore, no material considerations indicate that a decision should be made other than in accordance with the development plan.

28. For the above reasons, the appeal is dismissed.

J Davis

INSPECTOR