



Appeal Decision

Site visit made on 18 May 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/K3605/W/21/3266449

15 & 15A Castlevue Road, Weybridge KT13 9AB

- 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 Mrs L Stokes & Myland Homes Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1540, dated 26 June 2020, was refused by notice dated 12 November 2020.
 - The development proposed is two-storey side extension to create 3 dwellings, cycle and bin stores and associated parking following demolition of existing outbuildings.
-

Decision

1. The appeal is allowed and planning permission is granted for two-storey side extension to create 3 dwellings, cycle and bin stores and associated parking following demolition of existing outbuildings at 15 & 15A Castlevue Road, Weybridge KT13 9AB in accordance with the terms of the application, Ref 2020/1540, dated 26 June 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The description of proposed development shown on the appellant's appeal form and the Council's decision notice is more precise than that shown on the planning application form, and I have therefore used this description in the heading above and the decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and,
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to garden space provision.

Reasons

Character and appearance

4. Castlevue Road is a residential cul-de-sac, which includes 2 storey semi-detached buildings comprising a mix of houses and flats, and a handful of detached dwellings. The road has a spacious, suburban character owing to the

set-back of the buildings from the street; the generous spacing of the buildings; and, the views of vegetation and soft landscaping. The character of the wider area is more mixed, with a variety of built forms and architectural styles, including multi-storey flatted blocks to the south-west, terraced dwellings to the north in Monument Road and terraced maisonettes to the south in Layton Court.

5. Nos 15 & 15 A Castlevue Road are ground and first floor flats that are within a building that displays a semi-detached character. There is a garden area to the side, and this provides a large separation to the neighbouring building at Nos 13 & 13A. The proposal includes a 2 storey side extension in this area, which would provide 3 no additional dwellings. This would create a terraced built form.
6. Having regard to the variety of built forms and styles in the area, the terraced form of the proposal would integrate satisfactorily with its context. It would make efficient use of the land to the side of the existing building and contribute towards meeting the shortfall in housing supply in the Borough. The proposed extension is designed with a matching hipped roof, and the front elevation would feature bay windows and materials to match the existing building. The overall composition would create a well-proportioned and appropriately detailed appearance that would respect the character and appearance of the existing building and the street scene.
7. The proposed extension would reduce the gap to Nos 13 & 13A, however it would be set in 1.25 metres from the side boundary, which would provide a comfortable separation and enable views to the side of the building. Furthermore, the hipped roof would slope away from the boundary which would support the sense of space and openness between the buildings. Consequently, the proposal would not appear cramped on the plot. Regarding the proposed rear gardens, whilst they would be fairly modest in size, they would be comparable to the depth of adjoining gardens at Nos 15 & 17. There are a range of garden sizes in the area and I do not find that they would be out-of-keeping with the surrounding context.
8. The proposed front parking area would not appear discordant in the street scene given the on-site parking that already exists at some neighbouring properties. The proposed site plan shows soft landscaping, which would break up the extent of the hard surface and soften the appearance of the development. A planning condition should be imposed to require the submission of a landscaping scheme to the Council for approval to ensure that high quality materials and appropriate planting would be utilised.
9. For the above reasons, I conclude that the proposed development would maintain the character and appearance of the host dwelling and the surrounding area. The proposal would therefore accord with Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (the DMP), Policies CS4 and CS17 of the Elmbridge Core Strategy 2011 (the Core Strategy) and the guidance contained in the Elmbridge Design and Character Supplementary Planning Document (Home Extensions Companion Guide) 2012 (the SPD). Amongst other things, these policies seek high quality design in all new development, and proposals that preserve or enhance the character of the area.
10. The proposal would also accord with Chapter 12 of the National Planning Policy Framework (the Framework), which, amongst other things, seeks the creation

of high quality buildings and places, and ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history while not discouraging appropriate innovation or change (such as increased densities).

Living conditions

11. The Council does not operate measurable standards for minimum garden size. Therefore, judgements need to be made in relation to the size and functionality of the garden and whether it would provide an appropriate amenity space for future occupiers.
12. Each of the proposed dwellings would have a private garden, and the information before me indicates that this would measure around 20 square metres. The shape and configuration of the gardens would provide a usable outdoor space for future occupiers, which would be appropriate to the scale of the dwellings.
13. For these reasons, I conclude that the proposal would provide acceptable living conditions for future occupiers, with particular regard to garden space provision. The proposal would therefore accord with Policy DM2 of the DMP, which seeks high quality design. It would also accord with guidance in the SPD, which states that adequate amenity space must be retained for current and future occupants.

Other Matters

14. Policy CS21 of the Core Strategy states that a financial contribution towards the provision of affordable housing, equivalent to the costs of 20% of the gross number of dwellings, will be required on sites of 1 – 4 dwellings. The appellant has submitted a signed Unilateral Undertaking (UU) with the appeal, which covenants to make a financial contribution of £82,721.30 towards the provision of affordable housing. The Council is satisfied with the UU.
15. Paragraph 63 of the Framework states that the provision of affordable housing should not be sought for residential developments that are not major developments (defined as 10 or more homes or sites of 0.5ha or greater), other than in designated rural areas. This requirement is reiterated in the Planning Practice Guidance and reflects the Written Ministerial Statement of 28 November 2014 (the WMS). The WMS indicates that this is due to the disproportionate burden of developer contributions on small scale developers and is intended to help increase housing supply. The proposal is not a major development and the appeal site is not in a designated rural area.
16. Nevertheless, the Council's affordable housing statement¹ (AH Statement) identifies that house prices in Elmbridge are significantly above regional and national averages, and there is an acute need for affordable housing. Furthermore, the evidence explains the important role of small sites in contributing to the supply of affordable housing through contributions. The evidence shows that the Council is using the contributions to provide affordable housing.

¹ Statement on the Government's National Planning Policy Framework (NPPF) (2018) – Affordable Housing Provision on Small Sites November 2018

17. Policy CS21 allows for the submission of a viability appraisal where the applicant considers that the delivery of affordable housing in accordance with the policy is unviable. It therefore provides flexibility and enables viability to be assessed on a case-by-case basis.
18. I acknowledge that there is tension between Core Strategy Policy CS21 and Paragraph 63 of the Framework, however the requirement for affordable housing is supported, in this case, by other Framework policies that seek to address the needs of groups with specific housing requirements² and meet an identified need for affordable housing³. Having regard to the evidence of local affordable housing need, I find that the restrictions on affordable housing contributions set out in Paragraph 63 of the Framework would not outweigh Policy CS21. Therefore, the Unilateral Undertaking would meet the statutory tests in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended).
19. I have had regard to the representations from local residents, which raise various concerns. I have considered matters relating to character and appearance and outdoor garden provision above. The highway authority has raised no objection to the proposal on highway grounds. Given the small scale of the proposal, it would not cause a significant increase in vehicular movements. The appeal site is in an accessible location close to shops, services, and passenger transport facilities, and so the provision of a minimum of 1 parking space per dwelling would be sufficient. The proposal would not therefore significantly increase demand for on-street parking. Given the lightly trafficked nature of the cul-de-sac and the manoeuvres that already exist from driveways, I agree with the Council that a swept path analysis is not necessary in this instance.
20. The proposed residential development is compatible with the residential nature of the area and so it would not cause a material increase in noise. Construction noise is not sufficient grounds to withhold planning permission and there are other legislative controls outside the planning system to protect the living conditions of neighbouring occupiers. Matters relating to covenants are addressed outside of the planning system, and the effect of the proposal on property values is not a material planning consideration.
21. Matters relating to the tenancy arrangements of the existing occupiers are not within my jurisdiction. There is no right to a view over a third party's land, and the proposal would not cause a significant loss of outlook from the windows or gardens of neighbouring properties. The Council states that the appeal site is considered to be of low ecological value, and I see no reason to take a different view. A condition requiring the submission of a landscaping scheme for approval would ensure that appropriate replacement planting is provided.
22. Regarding comments pertaining to Policy CS2 of the Core Strategy, the Council acknowledges that it cannot demonstrate a deliverable 5 year housing land supply. Furthermore, the 2020 Housing Delivery Test results published 19 January 2021 show that the Council has a measurement of just 58% of homes delivered against its requirement over the previous 3 years. Therefore, Policy CS2, which relates to the supply of housing, is out-of-date in accordance with

² Paragraph 59.

³ Paragraphs 61 and 62.

the provisions of the Framework. The proposed dwellings would make a small contribution towards meeting the shortfall in housing supply.

Conditions

23. The Council has suggested 9 conditions which I have considered against the Framework and the advice in Planning Practice Guidance. I am satisfied that all of the conditions set out in the attached Schedule are necessary, relevant and reasonable to make the development acceptable.
24. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
25. The submission of samples and details of the proposed external materials of the development for approval by the Council is necessary to maintain the character and appearance of the area. A condition relating to bin and cycle storage provision is necessary to ensure that occupants would have appropriate access to these facilities. In the interests of the visual amenity of the site and to enhance biodiversity, a condition to require the submission of a landscaping scheme for approval is necessary.
26. A condition relating to unforeseen ground contamination is necessary to ensure that the proposed development would not cause environmental pollution or cause harm to human health.
27. A condition to require the installation of electric vehicle charging sockets in accordance with a scheme to be submitted to the Council for approval is necessary in the interests of promoting sustainable transport and reducing carbon emissions. The submission of a Construction Transport Management Plan is necessary to ensure that the development would not cause harm to highway safety. A condition to require the parking spaces shown on the approved plans to be provided is necessary to ensure the satisfactory provision of on-site parking.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR

Schedule of conditions

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-

2020 / P0097 LP received by the Local Planning Authority on 30/06/2020; 2020 / P0097 C 100 Rev A; 2020 / P0097 P 100 Rev A; 2020 / P0097 P103 Rev A received by the Local Planning Authority on 13/07/2020; and, 2020 / P0097 P102 Rev C received by the Local Planning Authority on 02/09/2020.
- 3) No above ground development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the dwellings hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority in relation:
 - a) full details of safe and secure cycle storage; and,
 - b) full details of the bin stores.

Development shall be carried out in accordance with the approved details and shall be permanently maintained.

- 5) Prior to first occupation of the dwellings hereby permitted, written details and plans of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This scheme shall include:
 - a) positions, height, species, design, materials and type of boundary treatment(s);
 - b) soft landscaping, including all new planting;
 - c) hard surfacing materials;

Development shall be carried out in accordance with the approved details and shall be maintained thereafter.

- 6) If, during development, ground contamination is found to be present at the site it must be reported immediately to the Local Planning Authority. Development must be halted and an investigation shall be agreed, in writing, with the Local Planning Authority. The investigation shall be carried out by a competent person, to assess the condition of the land with respect to contamination. In the event that remediation is required, a written method statement detailing how the identified contamination shall be dealt with and risks mitigated shall be submitted to the Local Planning Authority for written approval. The agreed remediation method statement shall be implemented prior to occupation or the development being brought into use.

Upon completion of the remediation, and prior to occupation or the development being brought into use, a written report providing verification

that the required works with regards to remediation of contamination have been carried out in line with the agreed method statement shall be submitted the Local Planning Authority for written approval. The verification shall be carried out and reported by an independent, competent person, stating that remediation was carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.

- 7) The development hereby approved shall not be first occupied unless and until each of the proposed dwellings are provided with a fast charge Electric Vehicle socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 8) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) on-site turning for construction vehicleshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 9) The parking spaces shown on the approved plans shall be made available for the sole use of the occupants or visitors prior to the first occupation of the development and thereafter kept available for that use.