



Appeal Decision

Site Visit made on 26 August 2021

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 27th October 2021

Appeal Ref: APP/K3605/W/21/3270542

**Claremont House, 34 Molesey Road, Hersham, Walton-on-Thames
KT12 4RQ**

- 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 Northedge Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2020/0582, dated 3 March 2020, was refused by notice dated 9 December 2020.
 - The development proposed is replacement of existing roof structure to form six, 1 bedroom flats and courtyard garden, complete with shared ground level garden, refuse and recycling stores and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing roof structure to form six, 1 bedroom flats and courtyard garden, complete with shared ground level garden, refuse and recycling stores and cycle storage at Claremont House, 34 Molesey Road, Hersham, Walton-on-Thames KT12 4RQ in accordance with the terms of the application, Ref 2020/0582, dated 3 March 2020, subject to the conditions in the Schedule to this decision.

Costs

2. An application for costs was made by Northedge Limited against Elmbridge Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal was accompanied by a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) by way of Unilateral Undertaking dated 7 October 2021 dealing with affordable housing. I will discuss this below.

Main Issues

4. The main issues are:
 - the effect on highway safety and the convenience of residents, business and users of services in terms of parking; and
 - whether the proposal makes adequate provision for affordable housing.

Reasons

5. The appeal site has a detached two storey building with a pitched roof. The ground floor is used as shops with the first floor used as six one-bedroom flats. The proposal is to reconfigure the roof structure to allow the internal areas to be used as a further six flats with lighting provided through rooflights. No additional on or off-site parking is proposed although parking for six cycles would be made available.

Parking

6. Policy DM7 of the Development Management Plan (the DM Plan) indicates that parking provision should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents. The policy continues "In such instances, a minimum provision of one space per residential unit will be required". My reading of this sentence is that it will only apply where there is existing parking stress. Thus, to see whether this part of the policy is applicable requires an assessment as to whether the area suffers from parking stress.
7. The explanatory text to this policy sets out no indication as to what the Council considers to be a level at which parking stress occurs, and I have not been directed to any other document, either in the form of policy or otherwise, which defines parking stress. It is therefore a matter of planning judgement. Having said that, the Council has adopted a Parking Supplementary Planning Document (the Parking SPD) which annotates parking standards and provides information on what is required for a parking survey and assessment.
8. The Parking SPD indicates that the standard for one-bedroom flats is one space per unit but this document also makes it clear that this is the maximum level of parking that the Council requires. The Parking SPD states that the general presumption is that sufficient car parking should be provided in line with the parking standards and that there should be a "robust justification" to support a significant variation in the form of a parking survey.
9. In support of the appeal the appellant submitted a paper entitled "Parking Review" which assesses parking in line with the guidance in the Parking SPD. The Council does not indicate that this paper is in any way deficient, and while the surveys were undertaken during a national lockdown caused by the Covid-19 pandemic, in my view this would be likely to increase parking in residential areas as residents would be less likely to be away for either work or leisure purposes. Consequently, I am satisfied that the results are robust.
10. The surveys show that with the exception of Claremont Close and Molesey Road no area exceeded an 80% occupancy rate, and on average around 75% of the spaces were occupied. Claremont Close is located a short distance to the north on the opposite side of Molesey Road and Molesey Road is a shopping area, where if the area is functioning well one would expect lower levels of unused parking. While taking these figures into account they are of less import than the roads closer to the appeal site.
11. Of the roads on the same side of Molesey Road nearest the appeal site in both Thrupps Avenue and Havers Avenue less than 60% of the spaces were utilised at all times surveyed, and in Thrupps Lane the highest occupancy rate was 76%. Per centages can, of course, be misleading where the number of spaces

available is low, but in each of these three roads there were significant numbers of parking spaces available. If it is assumed that all the parking spaces in Claremount Close are utilised there would still be around 36 car parking spaces available within 200 metres of the appeal site in the worst case.

12. Given this evidence, I am satisfied that the area overall does not suffer from on-street parking stress.
13. The Parking Review goes on to look at car ownership rates in the area for flatted development and concludes that, based on current ownership rates, the proposed development would result in five additional cars in the locality.
14. The Council has asserted that the parking situation has changed since the last appeal in 2017 (see below) but has not provided any evidence of this, either in the form of a list of consents with information on parking provided or in any other way such as surveys. I therefore cannot give this assertion any weight of substance.
15. Taking all this together, while the proposal would decrease the quantity of vacant spaces and therefore mean that some local residents may have to park further from their homes, there would be sufficient capacity in the area overall so as not to result in material inconvenience to those residents nor a decrease in highway safety from indiscriminate parking.
16. Consequently, the proposal would be acceptable in that it would not result in a decrease in highway safety or give rise to material inconvenience to residents, business or other users in the area. As such the proposal would comply with Policy DM7 of the DM Plan as set out above and would also comply with paragraphs 111 and 130 of the National Planning Policy Framework (the Framework) which indicates that development should be refused on highway grounds if there would be an unacceptable impact on highway safety and that development should create places with a high standard of amenity.

Affordable housing

17. Similar proposals to the current proposal have previously been considered on appeal in 2016¹ and 2017². In both cases those appeals were dismissed due to the lack of provision for affordable housing, that being the single main issue in the 2017 appeal.
18. Policy CS21 of the Elmbridge Core Strategy of 2011 (the Core Strategy) and the related Developer Contributions Supplementary Planning Document of 2012 (the Contributions SPD) address affordable housing provision. To meet this policy some 30% of the dwellings should represent affordable homes, and for a scheme of six dwellings, as here, the SPD advises that this should take the form of one on-site unit, with a financial contribution being required for the off-site provision equivalent to 0.8 of a dwelling.
19. I have taken into account and given great weight to paragraph 64 of the Framework which indicates that affordable housing should only be sought for major developments, being ten dwellings or more. However, given the evidence in front of me as to affordability in the area and the need for affordable housing, the policy in the Framework does not outweigh the

¹ APP/K3605/W/15/3138384

² APP/K3605/W/17/3167461

presumption in favour of determining the appeal in accordance with the development plan.

20. In light of the earlier appeal decisions the appellant does not demur from this and has submitted a Planning Obligation to provide the necessary affordable housing and contribution. The Council has confirmed that it considers the Obligation is satisfactory and I take it into account.
21. With that in mind I am satisfied that the proposal makes adequate provision for affordable housing and complies with Policy CS21 of the Core Strategy and the Contributions SPD as set out above.

Other Matters

22. Local residents have expressed concern that the proposal would result in an overbearing effect on their living conditions and lead to a loss of privacy. Having visited the site I am satisfied that the change in the roof configuration would not result in such an overbearing effect. While there would be a taller secondary staircase as a fire escape, this staircase already exists and would only infrequently be additionally used, so that there would not be a material increase in any loss of privacy.
23. The proprietor of one of the shops has also expressed concerns about being able to continue trading while any works took place. This is primarily a private matter between the parties. However, to ensure that any construction activity does not harmfully block servicing or give rise to harmful effects on the use of the ground floor, to the occupants of the existing dwellings in the building or neighbouring residents I consider that the construction should be delivered in accordance with an approved Construction Management Scheme which could be secured by condition.
24. The appeal site lies adjacent to but outside the Hersham Conservation Area. Given the changes to the roof structure, subject to a condition requiring the use of materials to match the existing building, I am satisfied that the proposal would not harm the setting of the Conservation Area which would thereby be preserved.

Conditions

25. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
26. For the reasons set out above I have also imposed a condition requiring the submission and adherence of a Construction Management Scheme. This needs to be secured throughout the period of the construction of the development and thus needs to be a pre-commencement condition; this has been accepted by the appellant.
27. To protect the living conditions of the existing and future residents of the building I am imposing a condition requiring sound insulation measures and another ensuring waste and recycling facilities. The former of these needs to be a pre-commencement condition to ensure that the development takes place appropriately and again has been agreed. As with other conditions where

necessary and in the interests of clarity and precision I have altered the wording of the conditions to better reflect the relevant guidance.

28. In order to ensure that the external appearance of the building is appropriate and does not harm the setting of the adjacent Conservation Area I have imposed a condition requiring materials to match the existing roofing material.
29. As set out in the description the proposal includes cycle storage, the location of which is shown on the proposed ground floor plan. In order to ensure full details are agreed and this is delivered a condition on this is necessary.

Conclusion

30. In light of the main issues set out above, I conclude that the proposal complies with the development plan taken as a whole and there are no other material considerations that would outweigh the presumption of determining the appeal in accordance with those terms.
31. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

	Location Plan 1:1250
19-1358-01	Ground floor block plan – As existing
19-1358-02	F8rst Floor (prior approval) – As existing
19-1358-03	Roof plan – As existing
19-1358-04	Elevations – As existing
19-1358-05	Ground floor block plan – As proposed
19-1358-06	First floor prior approval – As proposed
19-1358-07	New second floor
19-1358-08	Roof plan – As proposed
19-1358-09	Elevations – As proposed

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place a scheme to ensure that existing and future residents are not exposed to noise levels indoors of more than 35dB L_{Aeq} 16 hrs daytime and of more than 30 dB L_{Aeq} 8 hrs at night in bedrooms has been submitted to and approved in writing by the local planning authority. The approved scheme must be fully completed prior to any of the dwellings hereby approved are first occupied.
- 5) The development shall be erected in roof tiles to match the existing roof or in such other materials as have been submitted to and approved in writing by the local planning authority.
- 6) None of the flats hereby permitted shall be occupied until details of domestic waste disposal have been submitted to and approved in writing by the local planning authority. This shall include full details of communal bin stores,

including internal amenity lighting, details of secure access arrangements to bin stores, and opening/closing hardware for:

3 x 1,100 litres for Recycling

3 x 1,100 litres for Refuse

2 x 140 litres Food bins

The development shall be carried out in accordance with the approved details before the development is first occupied and shall be permanently retained.

- 7) None of the flats hereby permitted shall be occupied until details of cycle parking/storage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development is first occupied and shall be permanently retained.

END OF SCHEDULE