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# Appeal Decision

Site visit made on 1 and 8 December 2021

**by H Miles BA(hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 DECEMBER 2021**

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**Appeal Ref: APP/K3605/W/21/3276453**

**47-49 Bridge Road, East Molesey KT8 9ER**

- 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 B H Deals Ltd against the decision of Elmbridge Borough Council.
  - The application Ref 2020/2511, dated 29 September 2020, was refused by notice dated 11 December 2020.
  - The development proposed is demolition of existing garage and erection of 1 bedroom dwelling.
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## Decision

1. This appeal is dismissed.

## Main Issues

2. The main issues are; The effect of the proposed development on the living conditions of existing occupiers with particular regard to outlook from 47 Bridge Road, whether or not the proposed development would make adequate provision for affordable housing and the quality of living conditions for future occupiers with particular regard to privacy.

## Reasons

### *Living conditions of existing occupiers*

3. I understand that the first-floor rear window at 47 Bridge Road serves a bedsitting room. This currently benefits from a relatively open main outlook to the rear towards the open land of the former car park. However, peripheral views are somewhat limited due to existing developments to the rear of the Bridge Road properties on both sides. The proposed development would introduce a solid structure directly in front of this window at a distance of around 7 metres.
4. The proposed development would be two storeys with a flat roof. Therefore, views of the sky from the first-floor rear window at 47 Bridge Road would be possible. Nevertheless, the main outlook would be towards the proposed rear elevation. The proposed planting would arguably make the view more pleasant, however this does not overcome the heavily restricted outlook that would be created to this unit. Consequently, the proposed development would significantly and harmfully reduce the outlook from this window.
5. There is no dispute between the main parties about the effect on external amenity space.

6. As such, the proposed development would have a harmful effect on the living conditions of existing occupiers with particular regard to outlook from 47 Bridge Road. Consequently, in this respect it would be contrary to Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 (the Local Plan) which requires that development should protect the amenity of adjoining occupiers, amongst other things.

#### *Affordable Housing*

7. Policy CS21 of the Elmbridge Core Strategy July 2011 (the Core Strategy) 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 policy pre-dates the National Planning Policy Framework (July 2021) (the Framework) which states that affordable housing should not be sought for residential developments that are not major developments.
8. The Council has provided substantive evidence 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. Therefore, based on this specific local evidence, the Framework's provisions do not outweigh the development plan in this instance.
9. A mechanism securing any contribution towards affordable housing in the Borough has not been provided.
10. Consequently, the proposed development would not make adequate provision for affordable housing. As such it would be contrary to Policy CS21 of the Core Strategy, the aims of which are set out above.

#### *Living conditions of future occupiers.*

11. The proposed ground floor windows, which are the main windows to the living room, would face directly onto the access to the rear of the Bridge Road properties. However, this road does not appear to be used as a through route. Therefore, it would mainly be used only by people accessing the properties on this road. Consequently, it is likely that the frequency and number of people passing these windows, would be very low.
12. It would be possible for passers-by to see into this room; however, the level of pedestrian traffic would be so limited that this would be unlikely to result in inadequate privacy for potential users.
13. Consequently, the proposed development would result in acceptable living conditions for future occupiers with particular regard to privacy. As such, in this respect, the proposed development would comply with Policy DM2 of the Local Plan which sets out that development proposals should offer adequate privacy for potential occupiers, amongst other things.

### **Other Matters**

#### *Housing*

14. The proposed development would make efficient use of the land and would provide one new dwelling in a location close to shops, services and public transport.

### *Conservation Area*

15. The proposed development is in the East Molesey (Kent Town) Conservation Area (CA). As a whole its significance appears to derive from the historic layout and buildings in both its generous residential streets, and the vibrant commercial area. The appeal site is to the rear of one of these commercial properties and its functional character, secondary to the host property, makes a positive contribution to the character and appearance of the CA. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
16. The proposed development would introduce a modern, two storey residential development which includes a green roof and wall. The modest dwelling would be appropriate to the character and appearance of this access route where a number of residential properties and entrances already exist. Additionally, its scale and separate rear access would not result in a dominant effect on the host property. Soft landscaping does not form a notable part of the character and appearance of this area, and given the scale of the planting proposed this would not amount to an enhancement to the CA.
17. Consequently, the proposed development would preserve the character and appearance of the CA which would be a neutral factor.

### **Planning Balance**

18. The Council cannot demonstrate a 5-year supply of deliverable housing sites. Consequently Paragraph 11 d) of the Framework is engaged.
19. The proposed development would result in the social and economic benefits associated with the provision of one dwelling in an accessible location. This would contribute to the government's target to significantly boost the supply of homes. However, given the scale of the proposed development, the benefits in this regard are limited.
20. On the other hand, the lack of affordable housing provision would not address the needs of this group with a specific housing requirement, and the development would be contrary to the Framework in this respect. Furthermore, the Framework requires a high standard of amenity for existing users, and the scheme would not provide this due to the harm to the outlook at No 47. As such there are multiple factors that, overall, would result in notable harm.
21. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

### **Conclusion**

22. 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 this appeal should be dismissed.

*H Miles*

INSPECTOR