



Appeal Decision

Site visit made on 1 December 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2021

Appeal Ref: APP/K3605/W/21/3275866

Grevillea, 125 Silverdale Avenue, Walton-On-Thames KT12 1EH

- 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 & Mrs Hoskins against the decision of Elmbridge Borough Council.
 - The application Ref 2020/3299, dated 30 November 2020, was refused by notice dated 22 April 2021.
 - The development proposed is detached two-storey house with rooms in the roof space, rear balcony, and integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for detached two-storey house with rooms in the roof space, rear balcony, and integral garage at Grevillea, 125 Silverdale Avenue, Walton-On-Thames KT12 1EH in accordance with the terms of the application, Ref 2020/3299, dated 30 November 2020, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

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

Applications for costs

3. An application for costs was made by Mr & Mrs Hoskins against Elmbridge Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are; the effect of the proposed development on the character and appearance of the area, whether or not the proposed development provides an appropriate housing density and mix, and whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and Appearance

5. Silverdale Avenue is within the Ashley Park estate which has a separate character including large family dwellings set in substantial plots. The distinctive character of the buildings, entrance gates and private roads in the estate results in a notably different character from Merrowlands and Oatlands Chase. In this part of Silverdale Avenue external appearances include tile

hanging, pitched roofs, red brickwork and wooden beams. However, elsewhere in the estate external detailing and materials are more varied. This mixture of styles is therefore part of the character of the area.

6. The proposed development would be a large dwelling, set back from the road broadly in line with the neighbouring houses. Although smaller than some in the area, the plot size and building spacing is nevertheless appropriately spacious. It would be in a neo classical style, including side wings. Whilst the crown roof, window design and pillars are not the same as adjoining properties the design is nevertheless appropriate to the mixed detailing found in this area and consequently would be acceptable for this reason. The proposed dwelling would have a large garden and, whilst some existing trees would be lost, there is plentiful space for suitable landscaping which could be secured by condition.
7. Consequently, the proposed development would be appropriate to the character and appearance of the area and, in this respect, would therefore comply with Policies CS3 and CS17 of the Elmbridge Core Strategy July 2011 (the Core Strategy), and Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 (the Local Plan). These require, in part, all new development to achieve high quality design and respond to local character including with particular reference to Walton on Thames. As well as the advice in the Design and Character Supplementary Planning Document April 2012 which sets out design guidance as to how this can be achieved.

Housing mix and density

Mix

8. Policy CS19 of the Core Strategy requires that the Council seeks a mix of housing types and sizes across the Borough. The Assessment of Local Housing Needs March 2020 (LHNA) states that 90% of the market housing required is for 1-3 bedrooms, with 10% for 4+ bedrooms.
9. The proposed development would provide a 5+ bedroom house. This size of property would provide a contribution to the 4+ bedroom market housing that is required. Albeit it would not meet the greatest housing need in the borough which is for smaller properties.
10. I am provided with evidence that the 1% requirement for 4+ bedrooms set out in the Strategic Housing Market Assessment 2016 (SHMA) has been met. I also understand the Borough delivered 19.2% 4+ bedroom units in 2019/2020 against the 10% requirement from the LHNA. However, I am not provided with detailed evidence that the more recent target set in the LHNA 2020 has been met in 2021. Furthermore, I am not provided with any evidence that a single new large dwelling in this location would adversely affect community cohesion.
11. Therefore, there would not be a conflict with the requirement of Policy CS19 of the Core Strategy to promote a mix of house types and sizes across the Borough. Policy DM10 of the Local Plan mainly relates to sites over 0.3 hectares, therefore the policy set out above is more relevant to this case.

Density

12. Policy CS17 of the Core Strategy requires developments to contribute to the achievement of an overall housing density target of 40 dwellings per hectare

(dph) and requires a minimum density of 30dph, amongst other things. The proposed development would increase the density to around 5 dph.

13. The Council suggests a scheme for flats could be appropriate. The relative advantages of alternative uses on the application site are normally irrelevant in planning terms and such details are not before me. My assessment is based on the merits or otherwise of the scheme before me now.
14. Nevertheless, the proposed development would not achieve the minimum density of 30dph and therefore there would be some conflict with Policy CS17 of the Core Strategy.

Housing mix and density - summary

15. I have been provided with appeal decisions of relevance to this issue¹. However, of those which differ from my findings, these decisions are variously based on the 2016 SHMA, are in areas of separate character to the appeal site and have dissimilar adverse effects and benefits to be weighed in the planning balance. These cases are therefore notably different to that before me now.
16. Whilst I find that the proposed housing mix would be appropriate, the proposed development does not achieve the minimum density requirements set out in the development plan. Consequently, it would be contrary to Policy CS17 of the Core Strategy, the aims of which are set out above.

Affordable Housing

17. Policy CS21 of 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.
18. The Council has provided evidence that there is a high level of affordable need in the Borough, the importance of small sites in delivering this, and that the requirements of this policy have been assessed from a viability viewpoint and consequently 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.
19. I am provided with a UU which includes a financial contribution of around £53,000 towards the provision of off-site affordable housing. This decision needs to be made on the basis of the policies and advice in place at the time of this decision, which includes the Development Contributions Supplementary Planning Document July 2020 (updated April 2021). Consequently, I am satisfied that the contribution proposed is reasonable. Although there would be no affordable housing provided on site, the contribution towards off site provision is nevertheless an important social benefit.
20. Consequently, the proposed development would make adequate provision for affordable housing and would comply with Policy CS21 of the Core Strategy, the aims of which are set out above.

¹ APP/K3605/W/18/3218070, APP/K3605/W/18/3218253, APP/K3605/W/19/3225092, APP/K3605/W/19/3229005, APP/K3605/W/19/3243271, APP/K3605/W/19/3237910, APP/K3605/W/3223030, APP/K3605/W/18/3218745

Other Matters

21. The proposed house would extend further to the rear than 124 Silverdale Avenue. However, I have taken into account the proposed separation between these properties and the scale of the proposed development in this location. As a result, the neighbouring windows would retain an appropriate level of light, and the garden would not be overshadowed to an unacceptable extent.

Planning Balance

22. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and states it currently has a 3.96 year supply. Consequently Paragraph 11 d) of the Framework is engaged.
23. I have identified social harm in that the proposed development would not achieve the minimum density standard, contrary to the Framework's requirement to avoid homes being built at low densities.
24. However, the dwelling, at the density proposed, would be appropriate to the character and appearance of the area, and would result in a well-designed place. Furthermore, it would provide the important social and economic benefits associated with the provision of one new dwelling, even if this is not the size or tenure of the greatest need. As well as the valuable benefit of a contribution towards off site affordable housing. This would contribute to the government's target to significantly boost the supply of homes and to address the needs of groups with specific housing requirements.
25. Consequently, the limited adverse impacts of the proposal would not significantly and demonstrably outweigh the important benefits, when assessed against the policies in the Framework as a whole.

Conditions

26. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
27. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Conditions requiring samples of materials, retention of trees and hedges and details of landscaping would be necessary to preserve the character and appearance of the area and, for the latter, in the interests of biodiversity. A condition requiring obscure glazing is needed to ensure acceptable living conditions to adjoining occupiers and the provision of electric vehicle charging would be required in the interests of reducing emissions.
28. A condition that the appellant must comply with the details of the submitted tree protection plan and arboricultural implications report is attached, in the interests of the character and appearance of the area. The development must be carried out in accordance with this condition. Consequently, I am not persuaded that a pre commencement meeting or a completion report to check compliance is necessary, as such these elements of the suggested conditions are not included. This condition is required to be precommencement as the measures are required for the full duration of the works.

Conclusion

29. The proposal would not wholly accord with the development plan. However, in this case the other considerations set out above outweigh the limited conflict with the development plan. Therefore, for the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: 1277/11, 1277/12, 1277/14, 1277/15; 1277/17; 1277/13, 1277/16, 1277/18.
- 3) No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until tree protection measures have been installed in accordance with the approved tree protection plan SJA Trees Arboricultural Planning Consultants SJA TPP 20478-041 Revision A dated Nov 2020. The tree protection measures shall be maintained for the course of the development works. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in SJA Trees Arboricultural Planning Consultants Arboricultural Implications Report SJA air 20478-01b dated December 2020.
- 4) No above ground development shall take place until samples of the materials to be used on the external faces and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby permitted all above first floor level side facing windows and roof lights shall be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it serves. The windows and roof lights shall be permanently retained in that condition thereafter.
- 6) Prior to the first occupation of the development hereby permitted written details and plans of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include:
 - i) positions, height, species, design, materials and type of new planting and boundary treatments;
 - ii) hard surfacing materials, including parking layout.Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be maintained thereafter.
- 7) Prior to the first occupation of the development hereby permitted the proposed dwelling shall be provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). The socket shall be permanently retained as such.

- 8) No retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, other than in accordance with the approved plans and particulars. If any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.