



Appeal Decision

Site visit made on 8 February 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/K3605/W/21/3279941

27 The Roundway, Claygate, Surrey KT10 0DP

- 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 Mark McGinniss against the decision of Elmbridge Borough Council.
 - The application Ref 2019/3204, dated 7 January 2020, was refused by notice dated 17 March 2021.
 - The development proposed is an additional attached two-storey house with increase in vehicular access following demolition of existing garage and porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more succinctly describes the development proposed.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of its future occupiers.

Reasons

Character and Appearance

5. The appeal property is a semi-detached dwelling located on the western inner perimeter of The Roundway, which is a circular road benefiting from substantial areas of open space. This gives it an attractive open and green quality which contributes positively to its character. Houses around the road generally benefit from open frontages and ample rear gardens, which contribute to this prevailing sense of space and verdancy. This is true of the appeal property. Moreover, its flank wall is also well separated from its plot boundary, and the intervening space between the two again adds to the distinct open character of the road.

6. The development would introduce an additional dwelling adjoining the side of the appeal property. Its roof would incorporate a half-hipped design, which would be stepped down from the ridge of the pair of semi-detached properties. The frontage of the new dwelling would also be stepped back from the front elevation of other two properties. Taken together, these factors mean that the proposed development would appear substantially inferior and subservient to the adjoining properties. In my view, it would more closely resemble a side extension to the appeal property, rather than a house in its own right. In itself, this is indicative of the limitations of the site in terms of accommodating a separate dwelling, and would lead to a property which appears cramped and hemmed in.
7. This impact would be further amplified by the close proximity of the new flank wall to the plot boundary, as well as the limited garden space to its front and rear, both of which further highlight the site's constraints to accommodate a new dwelling. Again, the new dwelling would appear significantly more constrained than other houses in its vicinity, thereby jarring with the prevailing sense of space openness which characterises the road.
8. For these reasons, the proposed development would harm the character and appearance of the area. It would conflict with Policy CS17 of the Elmbridge Core Strategy (July 2011) (CS) and Policy DM2 of the Elmbridge Local Plan DMP (April 2015)¹ (DMP), which together seek to ensure new development achieves high-quality design which responds properly to the character of an area in terms of appearance, scale, prevailing pattern of built form and separation distances from plot boundaries. The development would also conflict with the guidance set out in the Council's Design and Character SPD (April 2012)² (Design and Character SPD), which provides that gardens for new development should be of an appropriate size. Finally, the development would conflict with the overarching design objectives of the Framework.

Living Conditions

9. The proposed new dwelling would fall short of the minimum internal space standards³ (NDSS) for a 2 storey, 2-bedroom dwelling, which is 70 sqm. As a minimum space standard, irrespective of the extent of any shortfall, it follows that the internal space of the new dwelling would be inadequate, and would therefore harm the living conditions of its future occupiers. This shortfall would be further compounded by the very limited garden space provided in conjunction with the dwelling, which falls significantly short of the recommended garden size set out in the Council's Design and Character SPD. As a result, the occupiers of the property would be unable to benefit from the level of private garden usually expected for a property of this size, which would be to the detriment of their living conditions.
10. The development would therefore fail to provide adequate living standards for its future occupiers. It would conflict with Policy DM10 of the Council's DMP, which requires new residential development to meet the minimum space standards set out in the NDSS. As highlighted above, the development would also fail to meet the recommended garden requirements set out in the Design and Character SPD. Finally, the development would conflict with the provisions

¹ Elmbridge Local Plan, Development Management Plan, April 2015

² Design and Character Supplementary Planning Document, April 2012

³ Technical Housing Standards, National Described Space Standard

of the Framework, which seeks to ensure new development ensures a good level of amenity for its users.

Other Matters

11. Whilst I acknowledge that planning permission has previously been granted for a side extension to the appeal property, the proposed development is for a separate dwelling, and so cannot be assessed in the same way. In any event, the proposed development's resemblance to an extension as opposed to a separate dwelling is one of the reasons that it would harm the character and appearance of the area. In terms of the proximity of the appeal property to areas of public open space, I do not consider that this in itself would adequately compensate for the significant lack of private amenity space that would be provided in conjunction with the new dwelling.
12. The Council cannot demonstrate a five-year supply of deliverable housing, so paragraph 11(d)(ii) of the Framework is engaged. Whilst the CS and DMP date back to 2011 and 2015 respectively, the weight to be attached to these policies does not hinge on their age. Rather, paragraph 219 of the Framework is clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
13. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive, and should be sympathetic to local character and surrounding built environment. It is also explicit that new development should ensure a high standard of amenity for its future users. The content of the Framework therefore reflects the overriding design, character and amenity principles of the CS and the DMP in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's land housing land supply position, the conflict between the proposal and the relevant policies of the CS and DMP should therefore be attributed significant weight in this appeal.
14. In terms of benefits, the proposal would contribute to the Council's housing stock. However, whilst any increase to the Council's housing supply is desirable, the net addition of one dwelling would only be a very modest contribution in this instance. Consequently, the adverse impacts of the development in terms of the harm to the character and appearance of the area and to the living conditions of its future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR