



Appeal Decision

Site visit made on 21 February 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH February 2022

Appeal Ref: APP/K3605/W/21/3277254

Emmanuel Hall, Snellings Road, Hersham, Walton-on-Thames KT12 5JG

- 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 Lorienwood Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2020/2460, dated 23 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is 'Conversion of existing redundant church into four mews duplex apartments, raising the ridge height, installing eight angled box dormers and changing external finishes'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application to "*Change of use from place of worship (E) to residential (C3) to create four apartments incorporating a single-storey rear extension with rooms in the roof space, increase in roof ridge height of 0.61m, side dormer windows, side canopies, bin and cycle stores and alterations to fenestration following demolition of existing rear projection*". The amended description provides more detail in respect of the nature of the appeal proposal. However, it contains an element of misdescription. I have accordingly utilised the original description for the purposes of the appeal.
3. The application form and decision notice give the site address as set out above. The appeal form omits the site name 'Emmanuel Hall'. In the interests of consistency and accurate identification, I have utilised the original description for the purposes of the appeal.
4. The application which is subject to this appeal was determined prior to the publication of the latest iteration of the National Planning Policy Framework (the Framework). All interested parties have had opportunities to make comments in respect of the appeal since the latest iteration was published.

Main Issues

5. The main issues are:

- Whether residential development at the appeal site is acceptable in principle; specifically, whether the proposal would result in the unnecessary loss of a community facility,
- Whether the proposal makes adequate provision for affordable housing to meet local needs,
- Whether the proposal would provide adequate living conditions for future occupiers of the development,
- The effect of the proposal on the living conditions of occupiers of neighbouring buildings, specifically in respect of the effect of proposed vehicle parking provision; and,
- The effect of the proposal on the character and appearance of the area.

Reasons

Principle of development

6. Policy CS16 of the Elmbridge Core Strategy (CS), adopted in 2011, resists the loss of existing social and community facilities or sites unless it can be demonstrated that the facility is no longer needed for its original purpose or viable for any other social or community use, or an alternative facility will be provided in an location with an equal level of accessibility, or there is no requirement from any other public service provider for an alternative community or social facility that could be met through a change of use or development. In line with this, policy DM9 of the Development Management Plan (DMP), adopted 2015, supports development for new social and community facilities.
7. These policies are consistent with the Framework which seeks, amongst other things, to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce a community's ability to meet its day-to-day needs.
8. The main parties to the appeal disagree as to whether the appeal site constitutes a community facility within the meaning of these policies, including the Framework.
9. The appeal site is a church building situated within an otherwise residential road. Though its land-use is as a place of worship, the site is privately owned and is not currently made available by its owners for this function. Third parties have stated in their representations that the appeal site was recently in use for the Walton and Hersham Foodbank.
10. The disagreement between the parties arises due to the Council's misdescription of the site as a 'Class E Church', and subsequent conclusion that the site must therefore be a 'community facility'. The Town and Country Planning (Use Classes) Order 1987 (as amended) sets out the various uses of land for planning purposes. An Article 3 Schedule 2 Part A Class E ("Class E") land use is a commercial, business and service use. As such, the appeal site is not within Class E use. However, Article 3 Schedule 3 Part B Class F.1 (f) relates to land used "*for, **or in connection with**, public worship or religious instruction*" (my emphasis). The existing use of the appeal site falls within this class, whether it is a church or a church hall.

11. In any case, neither policy CS16 nor the Framework limits the definition of 'community facilities' to specific use classes. The Framework does not exclusively define all the land uses which might constitute community facilities, but it gives the examples of health, education, cultural infrastructure, local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. As such, the appeal site is certainly a 'community facility'.
12. The appeal proposal has not satisfied the requirements of policy CS16 in respect of the loss of community facilities, and as such, has not demonstrated that the proposal would not lead to the unnecessary loss of a community facility, which would in turn reduce the community's ability to meet its day-to-day needs. For these reasons, the appeal proposal would not be acceptable in principle and would not accord with policy CS16 of the DMP and the Framework.

Affordable housing

13. Policy CS21 of the CS sets out the Council's targets for the delivery of affordable housing to meet local need. The policy requires a financial contribution equivalent to the cost of 20% of the gross number of dwellings for proposals of 1-4 dwellings. This contribution is to be secured by way of a legal agreement in line with the Development Contributions Supplementary Planning Document (SPD). Whilst the Appellant has expressed a willingness to enter such an agreement, no draft agreement was submitted to the Council prior to determination of the application and no unilateral undertaking has been submitted with the appeal. No other information has been supplied to justify a lack of contribution. As such, the appeal proposal would not make adequate provision for affordable housing, contrary to policy CS21 and the Framework.

Living Conditions

14. Policy DM10 of the DMP set out minimum space standards to be met for residential accommodation unless those standards were superseded by nationally applicable standards, in which case, the nationally described space standards would apply. The Technical Housing Standards- Nationally Described Space Standards (NDSS) technical requirements set out that a two-person bedroom has a floor area of at least 11.5 square metres. The bedrooms within the appeal proposal would exceed this size. The appeal proposal would therefore be providing one-bedroom, two-person units. Table 1 of the NDSS sets the minimum internal space standard for a one-bedroom two-person unit across two-storeys to be 58 square metres.
15. Whilst such standards should not be applied inflexibly, as minimums they serve to ensure an adequate standard of living conditions are maintained. The appeal proposal was designed only to meet the lower one-person accommodation standard of 37 square metres, and it therefore would fail to meet its requirement by a considerable degree and as such, would provide a poor standard of living accommodation to future occupiers.
16. Although inevitably higher density development represents a more efficient use of land, proposals for more efficient use of land should take into account the importance of securing well-designed, attractive and healthy places. The appeal proposal fails to do this.

17. The appeal proposal has been designed to avoid overlooking of its rear space by utilising angled dormers in the flank roofslopes to serve the first-floor accommodation. The angled outlook of those windows would not overcome the overlooking of neighbouring properties, which would arise from their proximity with the boundaries of the site and their height. These windows would overlook the private outdoor space and windows serving habitable rooms at ground and first-floor levels in neighbouring properties. The proposal would result in unacceptable harm to the living conditions of neighbouring occupiers. The imposition of a condition requiring the first-floor windows to be obscure glazed and non-opening would be necessary to overcome this harm. The Appellant's grounds of appeal note that no obscure glazed, non-opening windows are proposed. The imposition of the necessary condition would greatly limit the outlook from the habitable rooms which the relevant windows serve, thereby further exacerbating the poor standard of living conditions which would be afforded to future occupiers of the appeal proposal.
18. The appeal proposal would provide two off-road vehicle parking spaces; however, the dropped kerbs to facilitate those spaces would result in the loss of approximately two off-road car parking spaces. There is no objection from the County Council Highways Team on the basis of highway safety.
19. During my visit I observed that parking within Snellings Road is uncontrolled and as such, not guaranteed for residents of Snellings Road. The demand for on-road parking was high during my visit and as such the appeal proposal would likely result in an increase in the parking stress in the road and its vicinity. This stress would likely permeate to other roads and, potentially the wider area due to parking controls in surrounding roads. However, whilst this may cause inconvenience to occupants of properties in Snellings Road who necessarily would need to park elsewhere, and it may result in a negligible increase in parking on other roads, it is unlikely to result in an unacceptable adverse impact on the living conditions of those occupiers.
20. For these reasons, the appeal proposal would not provide adequate living conditions for future occupiers of the development, contrary to policy DM10 of the DMP and the Framework.

Character and appearance

21. Snellings Road is predominantly residential and comprises of a variety of dwelling types and sizes. As such it has a mixed character which features a range of architectural styles. The appeal proposal would introduce new architectural features into this mix by way of its angled dormers at first-floor level. Whilst the mixed character of Snellings Road lends it a greater capacity to sustain change, the angled dormers would be of a particularly incongruous design and would fail to integrate well into the existing character due to their siting and scale, which would make them a discordant, dominant and prominent feature of the streetscene.
22. Similarly, whilst a modest timber structure would not be out of place in Snellings Road in general, the prominent siting of the bin store would fail to integrate well with its surroundings and would therefore represent a poor standard of design.
23. Third parties have made prudent representations in respect of the useability of the bin and bicycle stores given their siting, size and likely interaction with both

manoeuvring and parked vehicles in the parking spaces for the proposed development. The limited functionality of the design would exacerbate the overall poor-quality design of the proposal.

24. For these reasons, the appeal proposal would fail to respond to local character and standards of design, contrary to policy DM2 of the DMP, and the Framework. These policies seek, amongst other things, development of a high-quality design which takes account of local character.

Conclusions

25. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan, in so far as they are consistent with the Framework. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR