



Appeal Decision

Site visit made on 20 April 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2022

Appeal Ref: APP/K3605/W/21/3277576

Land adjacent to 151 Rydens Road, Walton-On-Thames, Surrey KT12 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr N Perrin of AS Ashcroft Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0625, dated 19 February 2021, was refused by notice dated 30 April 2021.
 - The development proposed is permission in principle for the erection of up to 9 residential units.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 0 and a maximum of 9 dwellings at Land adjacent to 151 Rydens Road, Walton-On-Thames, Surrey KT12 3AS in accordance with the terms of the application, Ref 2021/0625, dated 19 February 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
4. The application form seeks permission for a minimum of 6 and maximum of 9 dwellings. However, it is clear from their evidence the range of 0-9 dwellings formed the extent of the LPA's considerations, and consultation was undertaken using the description 'up to 9 dwellings'. I am satisfied that the evidence allows me to make a judgement on this basis. Consequently, in the interests of fairness, I have considered this appeal on the basis that it is for a minimum of 0 and maximum of 9 dwellings.

Main Issue

5. The main issue is therefore whether the site is suitable for residential development, having regard to its location, with particular regard to highway safety.

Reasons

6. Permission in principle is a high level process, with detailed information provided at the TDC stage. Nevertheless, in this case, the principle of whether safe access to the site can be achieved falls within the consideration of location. However, the specific position of the access and the detail of visibility splays would be determined at the TDC stage.
7. In the vicinity of the appeal site, Rydens Road is a two-way single carriageway road with a 30mph speed limit and street lights. There is a pavement on one side. The appeal site is located near one end of a bend in the road.
8. I have evidence before me that there have been accidents on this stretch of road including fatalities and a serious accident in November 2021. There is a local safety concern for reasons including the speed of vehicles travelling and the narrow width combined with the visibility on this bend, which is worse when trees are in leaf as well as the fact that the road is used by large vehicles and cyclists. The pavement is also well used as access to schools.
9. The County Highway Authority are satisfied that a suitable access could be achieved along this frontage with appropriate visibility splays. This would consider vehicles waiting to turn right from the highway into the new development and would mean that there would be acceptable intervisibility between vehicles entering and leaving the site, pedestrians, and those on the road, including large vehicles, taking into account the speed at which vehicles would be travelling. There would be sufficient space within the site to ensure vehicles could enter and exit in a forward gear. Consequently, the proposed development would not create any additional highway safety issues for either existing highway users or occupiers of the development.
10. There are a number of TPO trees along the boundary. There appear to be gaps between the existing trees where an access could be placed. As such, in principle this could be acceptable. Nonetheless, the detail of this arrangement would be provided at TDC stage and the development would need to be acceptable in terms of the effect on trees as well as achieving appropriate visibility splays before development could proceed.
11. Therefore, the site would be suitable for residential development, having regard to its location with particular regard to highway safety. As such, in this respect, the proposed development would be in accordance with Policy DM7 of the Development Management Plan 2015 which states that access to and from the highway should be safe and convenient, amongst other things.

Other Matters

12. Details including the siting of buildings would be determined at TDC stage. It appears that it would be possible to accommodate up to 9 dwellings and their access within the land in Flood Zone 1. Consequently, and on this basis, the matter of flood risk would be addressed at TDC stage.

13. The site is broadly bounded by Rydens Road, residential development and the elevated side of the reservoir. It is not within the Green Belt. Whilst it is open green space, given its location adjacent to urban features and the edge of residential development as well as its limited connection with wider open land, the introduction of some built development on this site would not be harmful to the character and appearance of the area. The type of dwellings proposed would be determined at the TDC stage, and these would need to be appropriate to the character and appearance of the surrounding area.
14. The site is sufficiently large to accommodate up to 9 residential units along with access, turning and adequate car parking and I am satisfied that this could be achieved without unacceptable effects on the living conditions of nearby occupiers.
15. The site is a biodiversity opportunity area and is not previously developed land. The development would be required to demonstrate how it would protect and enhance habitats and species at TDC stage. Furthermore, I am not provided with detailed evidence that the site's proximity to an oil pipeline should prevent residential development in this location.
16. The proposed development would be assessed as to whether it would be required to provide contributions towards community infrastructure at TDC stage.
17. It is not possible for conditions to be attached to a grant of permission in principle. Nevertheless, the decision clearly sets out the minimum and maximum range of dwellings that are, in principle, permitted. Where permission in principle is granted by application, the default duration of that permission is 3 years, and no other period has been suggested.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

H Miles

INSPECTOR