
Appeal Decisions

Site visit made on 25 May 2022

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal A Ref: APP/K3605/W/21/3281795

Beech Shadows, 15 Woodside Road, Cobham KT11 2QR

- 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 Andrew Searchfield, Searchfield Developments against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0848, dated 8 March 2021, was refused by notice dated 26 July 2021.
 - The development proposed is described as 'The proposal seeks to erect 2 pairs of semi-detached dwellings with associated parking and landscaping following demolition of the existing dwelling.'
-

Appeal B Ref: APP/K3605/W/21/3288795

Beech Shadows, 15 Woodside Road, Cobham KT11 2QR

- 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 Andrew Searchfield, Searchfield Developments against the decision of Elmbridge Borough Council.
 - The application Ref 2021/3164, dated 24 August 2021, was refused by notice dated 6 December 2021.
 - The development proposed is described as the 'Erection of 2 no. pairs of semi-detached dwellings, landscaping and associated works following demolition of an existing demolished dwelling.'
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. Both appeals are for the same site. The application that forms Appeal A was refused in late July 2021, and a revised application scheme was refused in December of the same year (Appeal B). I have considered both appeals in my reasoning below but have referred to them separately where necessary.
4. Both appeals contain new, or varied, plans with them. Appeal A has some amended plans submitted by the appellant with the view of overcoming issues raised by the refusal, specifically with regards to the southern boundary of the site. Amended plans for Appeal B were submitted some two weeks before the decision on the relevant application was made by the Council. The Council's officer's report makes reference to these plans but considers that they do not overcome their reasons for refusal and states that the plans were not accepted.

5. The appellant wishes for both sets of plans to be considered as part of my consideration of the appeals and is of the view that the plans show minor changes and are of a lesser scheme than those submitted initially. They consider that there would be no harm in myself accepting such plans. The 'Procedural Guide – Planning Appeals – England' states that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
6. I note that the appellant considers that the plans for Appeal B were formally submitted and that it was the Council's responsibility to upload them to their website and re-consult if necessary. I note and have some sympathy with this viewpoint. However, the fact remains that the plans did not proceed to a period of consultation and that both applications and the subsequent appeals have attracted a fair number of comments. The schemes are clearly of interest locally.
7. The revised plans for Appeal B in essence reduce the ridge height and alter the roof design of the proposed houses, and remove some proposed pergolas at the front of the site. Such changes could be said to lessen any adverse effects of the proposal. However, they are also reasonably substantial changes which I consider materially alter the proposal. While I note that the appellant states that copies of these plans have been provided to two adjoining neighbours, there is no indication in their representations that this is the case. I have no evidence therefore that those who should have been consulted on the changes to the proposed development have been consulted and my consideration of the amended plans would deprive them of this opportunity. I have therefore not considered the revised plans for Appeal B in my consideration of the case.
8. The revised plans submitted for Appeal A attempt to show that a boundary hedge on the southern boundary of the site could be retained or replaced and enhanced with the proposed scheme. Such details could I consider be conditioned and do not materially alter the proposal. I have therefore decided to accept these plans and consider them in my reasoning below.

Main Issues

9. The main issues for both appeals are as follows:
 - The effect of the proposed development upon the character and appearance of the site and surrounding area
 - The effect of the proposed development upon the living conditions of the occupants of No 11 Woodside Road, with particular reference to outlook and daylight.
 - The effect of the proposed development upon biodiversity

Reasons

Character and appearance

10. Woodside Road is an attractive residential cul de sac, and runs roughly south to north from its junction with Littleheath Lane. The road is set in a widely treed,

semi-rural environment, sited close to Oxshott Heath and there are numerous mature trees set along the road. The land rises to the north, so that the properties in the cul de sac are set at a higher level the further you travel up the road. Close to the afore-mentioned junction the nature of the road has a slightly more dense feel than further to the north, with houses seemingly set slightly closer to the road. There is a general feeling as you travel further up the road of the houses becoming more spread out, with larger gaps and more substantial screening around the front of the houses. The design of the properties on the street is varied, with each plot visually appearing to have its own identity.

11. No 15 lies towards the northern end of the road and is well screened by numerous mature trees. The property at present is a reasonably sized dormer bungalow, which is angled perpendicular to the road, with a large rear garden to the south of the house. The garden was somewhat overgrown at the time of my visit.
12. The proposals seek to demolish the current property and construct four houses, in two semi-detached pairs. The blocks would be attached with linked garages for Appeal A, with a clear gap between them in Appeal B.
13. Appeal A would comprise two very similar blocks, with each property being of 2½ storey height and reasonably substantial single storey extensions to the rear. The design with the linked garages would appear visually to accentuate the similarities between the two blocks. The properties would be set back within the plot, to allow the retention of the existing trees to the front of the site, with much of the site between the houses and the trees being taken up with hard landscaping/driveways. Gardens to the rear of the properties would appear in plan form to be fairly small and quite convoluted, with an access alleyway around the back of the plots to serve bin storage/access for the two 'inner' units.
14. In plan form the contrast between the amount of development proposed on the site when compared with the immediate neighbours to the north and south, nos 17 and 11 Woodside Road respectively, appears stark. The proposed houses would virtually fill the width of the plot, with only reasonably narrow areas left for vehicle access to garages left at either end. Although these garages would be set back, visually they would also serve to fill these gaps, so that the proposed development would appear to spread the entire width of the plot.
15. Such an effect, and the amount of development proposed, would appear out of character to the surrounding area and introduce a level of development to the area which would appear out of sync to the street scene. While in the summer this visual effect would be fairly well screened from the road, in the winter when tree cover would be reduced, the effect would be much more pronounced.
16. The virtually matching design of the two blocks of houses would provide a sense of uniform development that is not to be found elsewhere on the street, except perhaps at the modern development at No 19 Woodside Road. I viewed these properties where possible on my site visit. However, while noting the appellant's views that the completed scheme at No 19 is highly relevant, I am not convinced that the design or scale of the properties at No 19 are necessarily a good example to follow in this context.

17. Appeal B would retain the garages to side but would have a gap between the two blocks of housing. However, the width of this gap would be narrow and would not offer much visual relief. This proposal would also feature two fairly large pergola car ports to the front of the plot, adding to the amount of built development on site. Despite the small gap provided and a reduced height of the scheme when set against the Appeal A proposals, the scale and density of the proposed development on the site would remain out of character to the surrounding area. While this would be an improvement on the Appeal A scheme, I consider that it would still appear as an overdevelopment of the site.
18. The design of Appeal B would also appear awkward and contrived, with the left hand houses having a hipped roof and the right hand side a gabled one. This would have the visual effect of appearing as if one half of the block had been extended, and would unbalance the proportions of each block of houses. As with Appeal A, while such an effect may be masked somewhat in the summer from the street, it would be more evident in the winter months.
19. I note that the Council has designated low density areas and that the site does not fall in such an area and that the proposals would, by replacing one house with four, increase the density of the land in a sustainable location. Nevertheless, the area has a spacious character which the proposals would not preserve. While I agree to a certain extent that the schemes would appear as two detached houses when viewed from the street (Appeal A to a lesser extent than Appeal B), due to the scale and massing of the properties they would appear as two very large detached houses and this would be compounded by the paraphernalia associated with four properties, including the likely number of cars on the site.
20. I therefore conclude that the proposals would have an adverse effect on the character and appearance of the site and the surrounding area. Both appeals would be contrary to policies CS10 and CS17 of the Elmbridge Core Strategy 2011 (the Core Strategy), policies DM2 and DM10 of the Elmbridge Development Management Plan (2015) (the DMP) and the Design and Character Supplementary Planning Document (the SPD), which, when read together, state that development in Cobham should be well designed and integrate and enhance local character and townscape, and that all new development should achieve high quality design with regard to the prevailing pattern of built development, with established spacing patterns in the streetscape respected and terracing effects avoided.
21. The proposals would also be contrary to the National Planning Policy Framework (the Framework), which states that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character (paragraph 130).

Living Conditions

22. No 11 Woodside Road, or Rivendale, lies to the south of the appeal site, and consists of a large detached dwelling set in a large garden. I visited the property as part of my visit. The house is set back from the road, on a similar building line to the current property on the Appeal site. Due to the local topography, Rivendale is set at a lower level. This is especially noticeable when viewing the site from the rear garden of No 11, which almost appears as set in a bowl. At present there is a line of fairly substantial conifers set on the boundary of the plots, although those closest to the road appeared to have

been cut back fairly severely. The varied plans for Appeal A and those for Appeal B propose to retain or enhance this boundary treatment.

23. Both schemes would be visible for the residents of No 11, and such an impact would be slightly higher in Appeal A due to its higher roof line than Appeal B. However, a reasonable gap would remain between the southern most elevation of the proposals and the northern side of Rivendale. Due to the positioning of the properties, the schemes would not impact on the amount of sunlight reaching No 11, and while daylight may be affected, such affect would be minimal in my view due to the distance between No 11 and the proposals and the lack of any upper floor windows in the northern elevation of No 11.
24. Both schemes would change the outlook from the rear garden of and, to a lesser extent, the ground floor side windows in the northern elevation of No 11. However, due to the distance between the properties I do not consider that such an effect would be overbearing or that either appeal would result in properties that were overly prominent to the occupiers of No 11. Landscaping conditions would also assist in this regard.
25. I therefore conclude that the proposals would not have an adverse effect upon the living conditions of the residents of No 11 Woodside Road, with respect to outlook and daylight. In this context both proposals would comply with policy DM2 of the DMP and with the SPD, which together state that to protect the amenity of adjoining occupiers, development proposals should be designed to offer an appropriate outlook and provide adequate daylight, and that care should be taken to ensure that development does not have a negative effect on light and outlook from windows and amenity spaces.

Biodiversity

26. The Council are of the view that the proposal would cause harm to biodiversity, through the loss of various trees and plants on the site that both schemes would cause. Both appeals have been designed so as to retain the strongly treed frontage to the site and development proposed would predominantly take place within the middle of the site, avoiding the plot boundaries.
27. While there was various organic growth within the site when I visited, much of this had sprung up due to the fact that the property on the site appeared vacant and as such the garden was not being maintained. An ecological survey report was submitted by the appellant which notes that net gain can be achieved on the site. Such provisions could be conditioned. I also note that the Council's own Trees officer confirms no objections to the scheme.
28. Subject to such conditions, I therefore conclude that the proposed developments would not have a harmful effect on biodiversity and would comply with policies CS15 of the Core Strategy and DM6 of the DMP. These policies state that the Council will seek to avoid loss and contribute to a net gain in biodiversity and that proposals should be designed to include an integral scheme of landscape, tree retention, protection and planting.

Other matters

29. Legal agreements have been submitted with both appeals for the submission of an off-site affordable housing contribution and a contribution for the Thames Basin Heaths Special Protection Area (SPA). The Council have confirmed that both agreements are satisfactory to them. Based on all that I have read I see

no reason to disagree with this point of view. I place weight in favour of both appeals with respect to the affordable housing contribution.

Conclusions

30. The Council confirm that they are unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework as a whole.
31. The proposal would provide four houses, with a net benefit of three houses in an area with an acknowledged lack of housing supply. Such properties would provide economic and social benefits in terms of both the construction of the houses and the activities of the future residents of the properties. The net biodiversity gain would also provide some minor environmental benefits. Social and economic benefits would also accrue from the affordable housing contribution.
32. However, when considering matters in the round I consider that the adverse impacts of both of the schemes upon the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposals. The Framework emphasises that the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve and notes that good design is a key aspect of sustainable development. The proposals would not be sympathetic to local character, nor would they add to the overall quality of the area, and as such, would be contrary to paragraph 130 of the Framework and would not constitute sustainable development.
33. While I am of the view that the adverse impacts of Appeal A would be higher than those of Appeal B, the harm caused by Appeal B would still in my view significantly and demonstrably outweigh the benefits of that proposal. Furthermore, I am of the view that a similar scheme would be possible which could achieve similar, or slightly lower levels of benefits but without causing the same adverse impacts.
34. For the reasons given above I conclude that both Appeal A and Appeal B should be dismissed.

Jon Hockley

INSPECTOR