



Appeal Decision

Site visit made on 2 August 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/K3605/W/22/3291584

Las Lilas, Devonshire Road, Weybridge KT13 8HB

- 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 Rob Francis of Windsor Homes Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2021/3359, dated 23 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is demolition of existing dwelling and erection of two new dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupants of Childgrove and Cornerways, with regard to outlook and light; and
 - Whether the development would make efficient and effective use of land.

Reasons

Character and appearance

3. Devonshire Road is primarily a residential street, on the outskirts of the town centre, featuring a varied mix of dwelling sizes and styles. Dwellings are predominantly detached, some of which seem to have been subdivided internally, but there is semi-detached built form both opposite and next to the site. Whilst there is no uniformity in dwelling design, Devonshire Road is characterised by relatively large buildings in generous plots, with clear and distinct spaces between built form. This gives the area a pleasant open and spacious character.
4. The design of the existing dwelling does not make a particularly positive contribution to the area. Despite this, it sits within a generous plot with visual separation from neighbouring dwellings, so provides a sense of openness and spaciousness which reflects and enhances a significant positive element of the character of Devonshire Road.

5. The proposal would demolish the existing dwelling and replace it with two detached dwellings. These would be two storey, with additional accommodation within the roof. The full height bay, gabled front projection, materials and detailing would be acceptable additions to the varied dwelling designs in the area.
6. Visual separation would be retained between plot 2 and Cornerways to the north. Plot 1 would be close to the southern boundary, but this is to a car park, so again there would be clear separation between the proposal and any existing built form. However, the side elevations of the two proposed dwellings would be little more than a meter apart from each other across their full height, including at roof level. This would result in the two dwellings appearing cramped and confined within the site and would not respect the prevailing pattern of built development or integrate with local character. Consequently, the proposal would be detrimental to the otherwise spacious and open character of the area.
7. In common with the existing dwelling, the proposed dwellings would be two storey, set forward of the dwellings to the north, and relatively close to the road. Despite these commonalities, the proposed dwellings would have roofs that slope significantly more steeply than the existing dwelling. This would result in additional mass and the side elevations appearing bulky. Plot 1 adds a dwelling where there is currently a single storey garage and garden space. As there is no built form directly to the south, plot 1 would be exposed and highly visible. When combined with the cramped appearance within the plot, these elements would result in the dwellings being overly prominent and dominant elements within the streetscene, when viewed from either direction.
8. Directly opposite the site there is a dwelling which is comparatively narrow and sits relatively close to the boundary either side at ground floor level. However, the dwelling steps in at first floor on one side and has a gabled front with the roof sloping away from both boundaries. Consequently, there is clear visual separation between this dwelling and its neighbours at first floor and roof level, which would not be the case between the pair of proposed dwellings. In addition, the dwellings opposite the site are set further back from the road than the proposed dwellings so any visual impact is less prominent.
9. I note comparisons made to a previously refused scheme for three terraced dwellings and the changes made in response to that refusal. I have assessed this appeal on the individual merits and impacts of the proposed development, rather than by comparison to a previous scheme, full details of which are not before me.
10. The site adjoins the Conservation Area, but only due to the depth of a car park to the rear of number 4 Balfour Road. Due to the separation distance to any built form in the Conservation Area, the proposal would not result in harm to heritage assets.
11. I conclude that the proposed development would cause significant harm to the character and appearance of the area. Consequently, the development would not comply with Policies CS4 and CS17 of the Elmbridge Core Strategy (2011) (CS) and Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (LP), which together, amongst other things, seek to ensure that development is well designed, responds to positive features of the location and reflects the prevailing pattern of built development. Furthermore, it would not

accord with the National Planning Policy Framework (the Framework), in particular paragraphs 130 and 134, which seek to secure well designed places which are sympathetic to local character.

Neighbour living conditions

12. No layout or elevation drawings of the existing dwelling have been provided. On the basis of my site visit and the details which have been submitted, the proposed plot 2 appears to be closer to the boundary with Childgrove and Cornerways and is modestly deeper than the existing dwelling.
13. Due to a combination of the proximity to the boundary, depth, height and steep roof pitch, plot 2 would have an overbearing effect in excess of that from the existing dwelling. This would unacceptably dominate the outlook from front and side windows at Childgrove and side windows at Cornerways, at least some of which serve primary habitable rooms.
14. Childgrove and Cornerways are located to the north of the proposed development and hence are likely to incur additional shadowing from the closer proximity and greater mass and depth of the proposed development. The appellant has not provided any assessment of the impact of the proposal on either sunlight or daylight to neighbouring dwellings. Therefore, on the evidence available to me, including observations during my site visit, I have no substantive evidence which would lead me to conclude that the proposal would have an acceptable impact on levels of light at Childgrove and Cornerways.
15. If the proposal were acceptable in all other respects, privacy could be ensured through the imposition of suitable conditions regarding obscure and fixed glazing and the reinstatement of boundary hedging.
16. Regardless of the limited objections from neighbours, I conclude that the proposed development would cause unacceptable harm to the living conditions of current and future occupants of Childgrove and Cornerways, with regard to outlook and light. Consequently, the development would not comply with Policy DM2 of the LP which amongst other things, seeks to ensure that the amenity of neighbouring occupiers is protected and proposals are designed to offer an appropriate outlook and provide adequate daylight and sunlight. Furthermore, it would not accord with Paragraph 130 of the Framework which seeks to ensure high standards of amenity.

Efficient and effective use of land

17. Policy CS17 of the CS seeks to ensure that development maximises the efficient use of urban land. It sets out an overall housing density target of 40 dwellings per hectare (dph), with a minimum requirement of 30dph. I acknowledge and fully appreciate the Council aim to secure maximum use of land, particularly in a sustainable location close to the town centre, and in light of the undersupply of housing. I also see no reason why a suitable scheme could not be designed which achieved higher density whilst protecting character and appearance and neighbour living conditions. Regardless of this, no such scheme is before me. The Council state that the proposal subject to this appeal would achieve 32.8dph. Therefore, it can meet the specified minimum set out in Policy, meaning the density is acceptable.
18. Policy CS19 specifies that the Council will seek to secure a range of housing types and sizes reflecting the most up to date strategic housing market

assessment. They have presented information which indicates an oversupply of larger 4 bed plus dwellings, with an under supply and need for smaller 1, 2 and 3 bed dwellings.

19. The drawings show the proposed dwellings as 3 bedrooms, but I note the concerns of the Council that the space provided is very generous for a 3 bedroom dwelling and there are spaces capable of becoming additional bedrooms. However, I have to assess the appeal on the basis of the proposal before me, which is for two dwellings each with 3 bedrooms. There is an identified need for 3 bedroom dwellings. Furthermore, if the proposal were acceptable in all other respects, and it was considered necessary, a condition could be attached to prevent the addition of windows. This would allow some control over the spaces that could be converted to bedrooms, in the roof at least.
20. Consequently, the proposed development would make acceptably efficient and effective use of land. I find no specific conflict with Policies CS17 and CS19 of the CS, or the Framework in this regard.

Planning balance

21. It is common ground that the Council cannot demonstrate the deliverable supply of housing sites as required by the Framework. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, policies which are most important for determining the application are considered to be out of date. The proposal does not impact on areas or assets of particular importance, so in accordance with paragraph 11dii, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. The harms I have identified are significant, multiple and long lasting, so I ascribe them substantial weight. In terms of benefits, the net gain of one dwelling would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and future spend of occupants giving support to local services and facilities. However, as construction benefits would be short term and the proposal adds only a single dwelling, I can give these benefits only limited weight. Moreover, neither the support in the development plan for new housing, nor that in the Framework, is at the expense of ensuring that development integrates appropriately with its surroundings. That would not occur in this instance.
23. The proposal would comply with many elements of policy as set out in the appellant summary of common ground. However, policy compliance is an expectation for all proposals. As such this is a neutral factor within the overall planning balance.
24. With the above in mind, and when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal, would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply. The appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.

Other Matters

25. A new local plan is at an early stage of preparation. It is not sufficiently advanced to be given weight.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR