
Appeal Decision

Site visit made on 22 August 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2022

Appeal Ref: APP/K3605/W/21/3286615

4 & 4A Castlevue Road, Weybridge KT13 9AB

- 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 Merchant against the decision of Elmbridge Borough Council.
 - The application Ref 2020/3350, dated 22 March 2021, was refused by notice dated 18 October 2021.
 - The development proposed is a pair of attached two-storey dwellings with associated parking and bin store, and extended boundary to the south.
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Decision

1. The appeal is allowed and planning permission is granted for a pair of attached two-storey dwellings with associated parking and bin store, and extended boundary to the south at 4 & 4A Castlevue Road, Weybridge KT13 9AB in accordance with the terms of the application, Ref 2020/3350, dated 22 March 2021, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The description of development above is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.
3. Whilst not set out in the first reason for refusal, the Council raise issue with the garden space for the future occupiers of the development, in addition to the existing occupiers. The appellants have addressed this issue in their appeal statement, and I am not therefore prejudicing any interested parties by also addressing this matter.
4. The second reason for refusal relates to a lack of legal agreement in relation to the provision of a late review mechanism in respect of affordable housing. This has been provided during the appeal and the Council have therefore confirmed that they wish to withdraw this reason for refusal. However, the appellant disputes the need for such an agreement. This is considered below.

Main Issues

5. As such, the main issues in this case are:
 - the effect of the development on the character and appearance of the existing building and surrounding area;
 - whether the proposal would provide adequate living conditions for the occupants of No 4 and 4a Castlevue Road and for future occupiers of the new development, having particular regard to the provision of outdoor space.

Reasons

Character and Appearance

6. Nos 4 & 4A make up one half of a semi-detached unit located at the entrance to Castlevue Road, a private cul-de-sac within a residential area near the centre of Weybridge. Castlevue Road comprises of a run of buildings, comprising of a mix of flats and houses, mostly semi-detached but with examples of detached dwellings and terraces, mostly displaying wide eaves and pitched, hipped roofs.
7. The road has a spacious, suburban character due to the set-back of the buildings, the separation gaps between them and the verdant surroundings. The appeal site comprises of the side garden area immediately next to a short road providing access to a recently constructed detached dwelling and a row of garages. The character of the wider area is more mixed, with a variety of built forms and architectural styles, including multi-storey flatted blocks to the south-west, terraced dwellings to the north in Monument Road and terraced maisonettes to the south in Layton Court.
8. The Supplementary Planning Document 'Weybridge Settlement Companion Guide to the Design and Character' (2012) describes the wider Grotto Road and Monument Road Environs Character Area as comprising of a mix of medium and high-density areas with some potential for replacement dwellings, likely to take the form of sub-division of plots.
9. The proposed addition of two new dwellings to the side of the existing semi-detached unit, subdividing the existing plot, would create a terrace. Given the variety of properties along the street and in the immediate area, including recent approvals for the addition of attached dwelling to semi-detached units at No 15¹, this would not appear incongruous nor out of keeping. Moreover, I note that there is history of planning approvals² for additional dwellings (albeit on a slightly smaller scale) on this side of the semi-detached unit resulting in a terrace, including a permission that remains extant³.
10. The proposed attached dwellings would incorporate a hipped roof, bay windows and materials to match the existing building, secured through an appropriately worded condition. The set back and set down of the dwelling's roof would ensure that the existing form of the semi-detached unit would remain legible. Whilst adding significant width, it would also result in a well-proportioned and balanced form that would sit comfortably with the existing character and appearance of the street scene. Whilst extending up close to the side boundary, the road to the rear provides a significant visual gap to the built form of the row of garages. The existing spacious suburban character would therefore be retained.
11. Two trees would be removed from the site frontage in order to provide parking spaces. The submitted Arboricultural Report (AR) sets out that they would be replaced, and subject to conditions securing this, in addition to protection fencing for the replacement trees, this would ensure that the leafy and green character of the surroundings is retained.

¹ Application reference no 2020/1540, appeal reference APP/K3605/W/21/3266449

² Application reference no 2008/1506

³ Application reference no 2010/1167

12. The sub-division of the plot would result in reduced and modest garden sizes. There are a range of garden sizes in the area, and I do not find that they would be out of keeping with the surrounding context.
13. I conclude that the proposed development would maintain the character and appearance of the host dwelling and the surrounding area. The proposal would therefore comply with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (DM), Policies CS4 and CS17 of the Elmbridge Core Strategy (2011) (CS) and the guidance contained in the Supplementary Planning Document 'Elmbridge Design and Character (Home Extensions Companion Guide)' (2012) (the SPD). Amongst other things, and in accordance with the requirements of the National Planning Policy Framework (Framework), these policies seek high quality design in all new development, and proposals that preserve or enhance the character of the area.

Living Conditions

14. The SPD sets out that 'adequate amenity space must be retained for current and future occupants of the house'. The SPD references an expectation for a minimum length of 11m, however, sets out that exceptions may be considered in town and village centres.
15. The proposed development would result in gardens, that, whilst modest and shorter than 11m, would provide sufficient space to serve what the submitted plans show as new 1 bed units in addition to the existing 2 bed units at No 4 and 4a. The size and usable shape would likely be appropriate for units of this size, would accommodate domestic items and would not appear cramped. A condition to secure suitable planting would ensure that the gardens are landscaped appropriately, and there would remain sufficient distance to the new property at the rear, which is limited in scale, to retain a feeling of space.
16. For the above reasons, I conclude that the proposed development would provide adequate outdoor space for the occupants of the No 4 and 4a Castlevue Road and for future occupiers. The proposal would therefore accord with DM Policy DM2, CS Policies CS4 and CS17 and the guidance contained in the SPD. Amongst other things, these policies seek high quality design in all new development.

Other Matters

17. Framework paragraph 64 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. Weybridge is not a designated rural area and the scheme before me represents minor development. However, the Council have provided extensive information demonstrating the ongoing acute need for affordable housing in the Borough, and that the requirement has not become a disproportionate burden for small scale developers and therefore frustrated housing supply. The appellant does not dispute the relevance of CS Policy CS21 to the proposal, and the Council have provided a number of appeal decisions to support this. I am therefore satisfied that, based on the information before me, the Council is justified in seeking an affordable housing contribution (subject to viability) in this instance.

18. There is no dispute between the parties that the viability assessment submitted by the appellant shows that the scheme is not sufficiently viable to provide a contribution towards affordable housing.
19. A legal agreement in relation to the provision of a late review mechanism (LRM) in respect of affordable housing has also been agreed by the parties. However, the appellant calls into question the need for this, given the lack of reference to LRM within CS Policy CS21.
20. The LRM requirement is detailed within the Supplementary Planning Document 'Development Contributions' (2020), however this is guidance rather than policy. As set out by a recent appeal decision provided by the appellant⁴, the Planning Practice Guidance (PPG) points out that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy CS21 does not do this.
21. The 'alternative provision' referenced in the supporting text to the policy is vague and does not demonstrate the need for a LRM in this instance. Moreover, as set out above, this site has an extant planning permission for 2 units, where the appellants set out no contributions (or LRM) was required. Based on the evidence before me and in this instance therefore, I am satisfied that there is no conflict with CS Policy CS21 and accordingly, the Unilateral Undertakings submitted to provide a LRM are not necessary to make the development acceptable in planning terms.
22. I have had regard to the representations from local residents, which raise various concerns. The highway authority has raised no objection to the proposal on highway grounds, including parking, which would be the responsibility of the owners of the private road. Given the small scale of the proposal, it would not cause a significant increase in vehicular movements.
23. A condition regarding details of bin storage is considered necessary, and this would ensure that the Council is content with its appearance and function. Similarly, whilst there would be the loss of three trees, 2 would be replaced, as set out in the submitted AR.
24. Impact upon property value is not a material planning consideration. Each scheme is considered on its own merits, not the previous schemes by the developer. Should any scheme not be built according to the approved plans it would be a matter for the Council's enforcement officers. It is also not required to establish a need for the development, although the need for new housing is well established. The submitted plans show that the development would be contained within the redline boundary of the site. The reduction in privacy is raised, however this is not qualified in any way. The Council has not raised this as an issue, and on the basis of the evidence before me, I have no reason to find differently in this regard.
25. Finally, a further recently approved planning application along Castlevie Road is referenced, however I have no details of this before me, and as such I cannot take into account its possible impact upon the street scene.

⁴ Appeal reference APP/K3605/W/20/3261529 & APP/K3605/W/21/3270427

Conditions

26. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG. For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording.
27. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The submission of samples and details of the proposed external materials of the development for approval by the Council is necessary to maintain the character and appearance of the area. A condition relating to bin and cycle storage provision is necessary to ensure that occupants would have appropriate access to these facilities.
28. In the interests of the visual amenity of the site and to enhance biodiversity, a condition to require the submission of a landscaping scheme for approval is necessary, as is details of the tree planting. A condition ensuring compliance with the submitted AR is necessary in order to secure appropriate protection measures throughout the build process. I have altered the wording of the conditions relating to compliance with the submitted AR to remove unnecessary repetition of details already within the AR.
29. A condition to require the installation of electric vehicle charging sockets in accordance with a scheme to be submitted to the Council for approval is necessary in the interests of promoting sustainable transport and reducing carbon emissions. The submission of a Construction Transport Management Plan is necessary to ensure that the development would not cause harm to highway safety. A condition to require the parking spaces shown on the approved plans to be provided is necessary to ensure the satisfactory provision of on-site parking.

Conclusion

30. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP, BP, P100 F, Tree Protection Plan A, P101 D
- 3) No above ground development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) Prior to first occupation of the dwellings hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority in relation: a) full details of safe and secure cycle storage; and, b) full details of the bin stores. Development shall be carried out in accordance with the approved details and shall be permanently maintained.
- 5) Prior to first occupation of the dwellings hereby permitted, written details and plans of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This scheme shall include: a) positions, height, species, design, materials and type of boundary treatment(s); b) soft landscaping, including all new planting c) hard surfacing materials; Development shall be carried out in accordance with the approved details and shall be maintained thereafter. All tree planting shall be carried out in accordance with BS 8545:2014 and the details approved prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. If within a period of 5 years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of same size and species shall be planted at the same place, in the next available planting season or sooner.
- 6) The development hereby permitted shall be carried out in accordance with the details set out within " B.S.5837 Arboricultural Report Implications Assessment and Method Statement at 4 Castlevue Road, Weybridge, SKT13 9AB, by Merewood Arboricultural Consultancy Services" dated 16/03/21.
- 7) The development hereby approved shall not be first occupied unless and until each of the proposed dwellings are provided with a fast charge Electric Vehicle socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 8) No development shall commence until a Construction Transport Management Plan, to include details of: (a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials (d) programme of works (including measures for traffic management) (e) provision of boundary hoarding behind any visibility zones (f) HGV deliveries and hours of operation (g) vehicle routing

(h) measures to prevent the deposit of materials on the highway (i) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

- 9) The parking spaces shown on the approved plans shall be made available for the sole use of the occupants or visitors prior to the first occupation of the development and thereafter kept available for that use.

End of Schedule