



Appeal Decision

Site visit made on 31 August 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/K3605/W/22/3293891

Land adjacent to 14 Elm Road, Claygate, Esher KT10 0EH

- 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 G Saunders (Hillcote Developments Ltd) against the decision of Elmbridge Borough Council.
 - The application Ref: 2021/2707 dated 22 July 2021, was refused by notice dated 24 December 2021.
 - The development proposed is detached two storey building containing two flats, with associated parking, bin and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A signed and completed Section 106 Agreement in the form of a unilateral undertaking was submitted to provide a financial contribution towards the provision of off-site affordable housing. I shall address this under the Planning Balance.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

Reasons

4. The appeal site is an irregular shaped, vacant piece of land in the corner of the turning head end of Elm Road. There is a mixed character and appearance to the local area, with both residential and community uses. The west side of the road has modest semi-detached and terraced Victorian houses with more modern pairs of semi-detached houses at the northern end.
5. The proposal would take its access from between Nos 14 and 15 Elm Road leading to a two-storey building, vertically divided into two units. It would have the appearance of a single dwelling with the first-floor being set partly within the roof space with dormer windows. There would be a crown roof to the property. Nonetheless, it would have a large footprint across the site, particularly in terms of its width and depth, and there would be minimal margins, particularly to the north-east boundary of the site. Views into the site

from the narrow site frontage would also be dominated by the width and mass of the proposed building.

6. The proposed form of the building, including its scale and massing as well as its crown roof and design approach would not reflect the existing built form of the residential dwellings in the immediate locality. It would, as a result, be visually discordant within the street scene.
7. I appreciate that the shape of the site and to protect the amenities of the neighbours on either side would require the building to be set back from the frontage. However, the set back would exacerbate the discordant impact that the proposed development would have on the street scene. There are a variety of buildings in the local area including the community uses on the other side of the road, but in relation to the dwellings on either side and within Elm Road, the proposed building would appear visually incongruous and discordant within the street scene.
8. I therefore conclude that the proposed development would not respect the character and appearance of the local area. This harm would conflict with Policy CS17 of the Core Strategy 2011, Policy DM2 of the Development Management Plan 2015, the Design and Character SPD 2012 and the National Planning Policy Framework and in particular Section 12, all of which amongst other matters, seek a high quality of design which respects the local context.
9. I have taken into account that there has been an earlier proposal on the site which was refused planning permission by the Council and the refusal upheld at appeal, and that this scheme has been submitted to try and address the concerns of the previous Inspector, including in terms of the site area to improve the relationship with No 14 Elm Road. However, my decision is based solely on the planning merits of the scheme before me.

Other Considerations

10. A number of matters have been raised by local residents, I consider that the orientation of the proposed building and siting of windows would ensure no overlooking or loss of privacy for neighbouring residents, as well as no loss of outlook or light. The Council also raised no concerns in these regards.
11. Were there no other matters of concern and planning permission were to be granted, conditions could be imposed in respect of parking and servicing, drainage and protection of existing trees as well as the introduction of new planting.

Planning Balance

12. There is no dispute between the parties that the Council is unable at the present time to demonstrate a five year supply of deliverable housing land. Accordingly, in line with paragraph 11(d) of the Framework, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The tilted balance is therefore engaged.
13. When judged against some of the core planning principles the proposal would perform well in that it would be generally well located, where access to facilities and services is likely to be greatest. In terms of its component dimensions

there would be a modest social benefit in providing two additional units, particularly in terms of the nature of the units as 2 bedroom units, for which there is an identified need. In addition, the Appellant has completed a Section 106 Agreement to make a financial contribution to off-site affordable housing in accordance with the Policy CS21 of the Core Strategy. Economic advantages would also arise from the construction and occupation of these units.

14. However, I have found that the proposed development would harm the character and appearance of the local area and the harm I have concluded would be significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

15. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR