



Appeal Decisions

Site visit made on 16 November 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal A Ref: APP/K3605/W/22/3300051

Petrol Filling Station, Stoke Road, Cobham KT11 3AS

- 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 Motor Fuel Group LTD against the decision of Elmbridge Borough Council.
 - The application Ref 2021/2465, dated 8 July 2021, was refused by notice dated 30 November 2021.
 - The development proposed is described on the application form as the 'installation of 3no. new EV chargers and associated EV infrastructure.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Tilt Conservation Area.

Reasons

3. The appeal site comprises a petrol filling station including forecourt canopy, car wash and sales building. The site is situated adjacent to the busy Stoke Road. Properties surrounding the site are predominantly in residential use, with a nursing home to the east.
4. Part of the site is within the Tilt Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA lies in its built form, comprising a largely linear settlement of modest groups and individual dwellings, set around a series of open areas and areas of common land.
5. The wider Stoke Road maintains a verdant and open character with buildings set back from the road behind mature vegetation and wide verges. Consistent with this, the petrol filling station is set back from the road behind mature trees and a green verge. This minimises its visual significance and provides a verdant, open setting that contributes to the character and appearance of the entrance to the CA.
6. The proposed substation and secondary enclosure would be positioned in a highly prominent location at the edge of the appeal site, adjacent to Stoke Road. A louvred fence would surround the structures at a height of

approximately 2.4 metres. The substation, enclosure and louvred fence would all be viewed in isolation against the site's west boundary wall and in the context of the open grass verge and mature trees along the front of the site.

7. I appreciate that the site is long established, evolving over time, and has a largely commercial character. I also accept that the size of the substation is dictated by certain requirements out of the control of the appellant and that other similar boundary features exist within the surrounding area. Nevertheless, the substation and enclosure would be set well away from the main cluster of buildings and infrastructure of the forecourt, at the very edge of the site and in an open position. The siting, scale and design of this aspect of the proposed development would introduce structures into an area of the site significantly further forward than any existing buildings and substantially reduces the level of landscape cover within the site. The proposed development would be out of keeping with the site and area, appearing stark, conspicuous and incongruous in its setting which would be detrimental to the character and appearance of the area and detract from the entrance to the CA.
8. I note the appellant's suggestion of a condition in respect of the colour of the proposed fence and green wall, as well as comments in respect of proposed landscaping. However, the impact of the proposed development on the character and appearance of the surrounding area is not solely down to its colour and would not outweigh the harm identified. Similarly, I have no substantive evidence before me to indicate that the proposed landscaping would reach a level of maturity that would mitigate the harm I have identified. Nor have I been provided with any details of a green wall option, including its likely maintenance requirements.
9. In terms of the National Planning Policy Framework (the Framework), the proposed development would give rise to 'less than substantial' harm to the significance of the CA, which in accordance with paragraph 202 of the Framework should be weighed against any public benefits.
10. The development would support the Government's target of reducing reliance on fossil fuels, improving air quality and reducing greenhouse gas emissions. This is reflected in the Framework. However, I consider that the benefit would be limited due to the scale of the infrastructure proposed and would not outweigh the harm I have identified, to which I am required to give great weight. Moreover, there is no evidence before me that the infrastructure must be placed in this location over any other, less harmful, locations.
11. The Council does not object to the appearance or siting of the proposed parking spaces or charging points, set near the existing car wash and canopy structures. I have no reason to disagree with these findings.
12. Overall, the proposed development would harm the character and appearance of the area and fail to preserve or enhance that of the CA, contrary to the relevant provisions of Policies CS10 and CS17 of the Core Strategy (2011) and Policies DM2 and DM12 of the Development Management Plan (2015), which in summary seek to promote high quality design and protect heritage assets. This is in a similar vein to the objectives of the Framework insofar as good design and the protection of heritage assets is concerned.

Other Matters

13. I have carefully considered the appellant's comments, including that the proposed development would not have an adverse impact on the locally listed post box and that there would be no adverse harm to the outlook or daylight levels of neighbouring properties. Nevertheless, these are not matters in dispute between the Council and appellant and I have no reason to find differently.
14. The appellant has set out that the use of permitted development (PD) rights to install the proposed infrastructure is their fallback position, albeit with a lower fence. Nevertheless, no details of such a scheme are before me and, without this information, a full and detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal.
15. I note the two previous appeal decisions allowing development on the same site. These relate to different forms of development in different parts of the site. They are not, therefore, directly comparable. I have assessed the scheme based on the information before me and my observations on site.
16. I acknowledge the local support in respect of the installation of the proposed electric vehicle charging bays. However, for the reasons I have set out this matter does not outweigh the harm identified in respect of character and appearance.

Conclusion

17. For the reasons set out above, taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A. Price

INSPECTOR