



Appeal Decision

Site visit made on 6 December 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 DECEMBER 2022

Appeal Ref: APP/K3605/W/22/3303628

Land rear of 90 Esher Road, East Molesey KT8 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by JP and M Lincoln against the decision of Elmbridge Borough Council.
 - The application Ref 2022/0039, dated 7 January 2022, was refused by notice dated 19 April 2022.
 - The development proposed is described as the erection of a 3 bed, 2/s detached dwellinghouse utilising existing access off Broadfields.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline planning permission. The appellant's responses on the planning application form indicated that approval was sought for matters of access and layout only with all other matters reserved for future consideration.

Main Issues

3. The main issues are the effect of the proposed development on:
 - Affordable housing;
 - The character and appearance of the area; and
 - The living conditions of the neighbouring occupants with particular reference to light.

Reasons

Affordable Housing

4. Policy CS21 of the Elmbridge Core Strategy 2011 (the Core Strategy) seeks to increase the provision of affordable homes in the borough and meet housing need. The supporting text to this policy sets out how affordable housing will be provided. It establishes that Policy CS21 applies to development that would result in a gain of one or more dwellings.
5. The evidence shows that the Council has a shortage of affordable housing. Policy CS21, and its supporting text, indicate that proposals of 1-4 dwellings can provide a commuted sum to enable the delivery of affordable housing.

6. I understand that a Section 106 agreement was being prepared to secure the contribution towards affordable housing. However, this has not been submitted by the deadlines. No other mechanism for satisfying Policy CS21 has been put in place or suggested.
7. I therefore find that on this issue the proposal would conflict with Policy CS21 of the Core Strategy and, although only one dwelling, would fail to contribute to the council's responsibilities in terms of affordable homes.

Character and Appearance

8. It is proposed to erect a detached dwelling house within the rear garden of 90 Esher Road. However due to its corner location, the appeal site fronts onto Broadfields. This locality is characterised by detached two-storey houses and the proposed dwelling would be accessed from Broadfields using the existing dropped kerb.
9. Broadlands has an established building line, and the proposed development would project forward of this. However, No 90 also sits forward of the building line and in this context, the proposed development would replicate No 90's building line and would therefore not be visually intrusive or out of character.
10. The proposed dwelling would be sited close to the rear boundary, and this would be a departure from the existing pattern of development. However, the depth, or lack thereof, of the proposed development from this boundary would have limited visual impact when viewed from public vantage points due to existing boundary screening along Broadfields and the screening from the proposed dwelling.
11. As a result, the development would not cause unacceptable harm to the character and appearance of the area. Accordingly, there would be no conflict with the relevant provisions of Policy CS17 of the Core Strategy, the Elmbridge Design and Character Supplementary Planning Document 2012 (the SPD) or the National Planning Policy Framework (the Framework). All of which seek, amongst other things, to ensure that development is sympathetic to the character and appearance of the area.

Living Conditions

12. While scale and appearance is reserved for future consideration, the proposed dwelling would be sited close to the shared boundary with 88 Esher Road. However, the dwelling house at No 88 would be a considerable distance from the footprint of the proposed dwelling. It is also important that neighbouring occupiers can also enjoy a degree of natural light which makes them feel comfortable and able to enjoy their private outdoor spaces. Garden areas of sensitivity are typically closest to the rear elevation of a dwelling.
13. While the proposal would be sited close to the boundary, it would be located to the rear of No 88's garden a considerable distance from the rear elevation of this neighbour. Given this separation I conclude that even if the proposed development was two-storey, there would not be an unacceptable loss of light to the occupants of No 88.
14. Facing windows at 1 Broadfields are either secondary windows or do not serve habitable rooms. The proposed development would consequently not have an unacceptably harmful effect on the living conditions of the neighbouring

occupants with particular reference to light. The proposal would therefore comply with the relevant provisions of Policy DM2 of the Elmbridge Development Management Plan 2015, the SPD and the Framework. These, amongst other things, address the need for high quality design therefore respecting the living conditions of neighbouring occupiers.

Other Matters

15. The Council is unable to demonstrate a five-year supply of deliverable housing sites. As such, paragraph 11 of the National Planning Policy Framework (the Framework) should therefore be applied. The provision of one additional dwelling unit would contribute to housing stock. It would also optimise a small site in a largely residential area with access to jobs, services, infrastructure, and public transport. I acknowledge that smaller sites also tend to be built out relatively quickly and redevelopment represents an efficient use of land in this case. Nevertheless, given the relatively limited quantum of new development under consideration, when taken as a whole, the cumulative weight attributable to these benefits are moderate.
16. While I have found no harm in respect to the impact on the character and appearance of the area and the living conditions of neighbouring occupants, these are neutral matters which neither weigh for or against the proposed development.
17. There would be, however, a significant degree of harm arising in respect to affordable housing. When assessed against the policies in the Framework taken as a whole, this harm would significantly and demonstrably outweigh the benefits. Therefore, the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

18. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR