



Appeal Decision

Site visit made on 24 January 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/K3605/W/22/3302281

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 2022/0384, dated 8 February 2022, was refused by notice dated 16 June 2022.
 - The development proposed is described as a 'detached 1.5 storey building containing two flats with associated parking, bin and cycle stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A signed and completed Unilateral Undertaking has been submitted with the appeal. It provides for a financial contribution towards off-site affordable housing. I return to this matter in the Planning Balance below.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises land to the side of No.14 Elm Road, a semi-detached two storey dwelling that is set back from its site frontage. The pairs of semi-detached dwellings either side of the appeal site are similarly set back from their site frontages, and collectively offer a clear and established front building line for these properties around the end of the cul-de-sac. Even allowing for the extensions which have taken place to the sides of some of these properties, the space between and around these houses are additional but important components to the character of the area.
5. On the opposite side of Elm Road to the appeal site are two large buildings, the Capelfield Surgery and Claygate Centre. The former is single storey and the latter has a second storey but this is positioned away from the appeal site. They are separated by surface car parking. Therefore, despite Elm Road not being overly wide, the position of buildings and the space around them all contribute positively to the open character of the area.
6. I acknowledge that the proposed dual pitched gable ended design, the materials and density of the proposal would not be out of keeping with the

surrounding properties. Nevertheless, the proposed building would appear distinct from the pattern of semi-detached buildings either side of it. The plot would be irregularly shaped, being noticeably narrower at its front compared to others in the vicinity. As a result, the building would be set back from the front building line established in this part of Elm Road and would present its gable end to the street, which is not commonplace in the vicinity. It would also introduce a form of built development to the side of No.14 Elm Road which has little relationship to the more spacious form, character and appearance of the street scene.

7. Although the proposed building would have a limited wider visibility owing to its set back positioning, it would nonetheless be visible when passing. Thus, from Elm Road it would have a cramped and incongruous appearance within the street scene that would not reflect the prevailing pattern or character of development.
8. I acknowledge that the design, scale and layout have been amended in the light of previous appeal decisions on the site for residential development. However, the changes are not sufficient to overcome the harm caused to the character and appearance of the area by the harmful incursion that would occur within the street scene from this proposal.
9. I have found harm to the character and appearance of the area, and this leads me to conclude on the main issue that the proposal is contrary to Policy CS17 of the Elmbridge Core Strategy 2011 and Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 which, amongst other things, seek to preserve or enhance the character of an area and avoid harm to its environment. Furthermore, the proposal would be contrary to the Elmbridge Design and Character Supplementary Planning document 2012, which amongst other things, also requires developments to respect established spacing patterns in the streetscape and to relate to the character of the area.
10. The proposal would be contrary to Paragraph 130 of the National Planning policy Framework (the Framework), which amongst other things, seeks to ensure developments are sympathetic to local character.

Other Matters

11. The proposal is said to comply with various requirements such as the Nationally Described Space Standards and guidance on daylight, as well as providing appropriate garden space, bin storage and cycle parking. It is also said to offer an appropriate housing mix for the area and an appropriate approach to ensuring on-site parking provision and access. Furthermore, the main parties agree that it would not adversely affect neighbours or trees. However, all of this would be expected for any development to be considered acceptable and so does not weigh positively in favour of the scheme.

Planning Balance and Conclusion

12. The Council's 2019 Housing Delivery Test result was 58% although the Council indicates it can now demonstrate a 4.88-year supply of housing land. Whilst the shortfall in supply is relatively modest, it does not obviate the need to address the provisions of paragraph 11 d) of the Framework.
13. The Government's objective is to significantly boost the supply of housing and the proposal would provide two additional, modern units of accommodation in a

location with good access to services. In addition to making a contribution towards housing supply, the proposal would also accord with the Framework's support for windfall sites and represent an efficient use of the land. A financial contribution towards off-site affordable housing is provided, which also appears to accord with development plan policies. I therefore give these matters considerable weight.

14. The scheme would also lead to some temporary economic and employment benefits during the construction phase of the proposed building and any subsequent affordable housing units. Future residents may make a general economic contribution to the area and there would also be some social benefits arising from the proposal. However, given the scale of the development I attribute only modest weight to these economic and social benefits.
15. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area. The need to protect the character and appearance of an area is perennial and in direct compliance with the Framework's overall environmental objectives. The harm and conflict that I have identified would be both substantial and long lasting.
16. Therefore, 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. The proposal would not therefore be sustainable development.
17. Whilst there would be some beneficial aspects of the scheme, the proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no other material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan.
18. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR