



Appeal Decision

Site visit made on 28 February 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/K3605/W/22/3307578

47 Belvedere Gardens, West Molesey KT8 2TB

- 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 R Szymanski against the decision of Elmbridge Borough Council.
 - The application Ref 2022/1441, dated 7 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is the erection of a 2- storey 1- bed dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i. The effect of the proposal on the character and appearance of the existing house and surrounding area.
 - ii. The effect of the proposal on highway safety, with particular regard to parking.
 - iii. Whether future occupants would be likely to experience acceptable living conditions in terms of amenity space provision.

Reasons

Character and appearance

3. The existing house is semi-detached. It belongs to one of four, equally sized, parallel pairs laid out in a symmetrical arrangement around communal, landscaped areas. When viewed from various positions along the road, this group has a noticeable and distinctive rhythm. This pattern contributes to the character of Belvedere Gardens as a suburban residential street.
4. The proposed development would add another house to one of the four semi-detached pairs, at the end closest to the road. The residual gap between the new house and the site boundary would be much smaller than the equivalent gap for the other three pairs on the street. I note that buildings elsewhere in the neighbourhood are positioned in a variety of ways. However, the buildings near the appeal site have a specific, clear and symmetrical configuration. This layout would be disrupted and the resulting harm would not be mitigated by matching building style, materials or design details.

5. For these reasons, I conclude the proposed development would have a harmful effect on the character and appearance of the existing house and surrounding area. This is contrary to Policy CS17 of the Elmbridge Core Strategy (ECS), Policy DM2 of the Elmbridge Local Plan (ELP) Development Management Plan (DMP); the ELP Design and Character Supplementary Planning Document (DC SPD); and the National Planning Policy Framework (the Framework). These policies require high quality design that respects local character, including the prevailing pattern of built development and locally distinctive townscape.
6. Policy CS10 of the ELP is referred to by the Council but that policy covers a different part of the borough than the appeal site location. Consequently, the proposed development would not conflict with it.

Highway safety

7. Some houses in Belvedere Gardens have dedicated off-street parking spaces. There are also a few marked on-street parking bays. During my visit I saw several vehicles parked in an irregular way on landscaped verges and communal amenity spaces. The level of demand for parking at that time therefore exceeded the available supply of off-street spaces and on-street bays. Some of this demand may come from businesses on the nearby industrial estate. Further evening demand would be likely to come from residents returning from work.
8. These informal parking arrangements present a safety risk to pedestrians, those with mobility difficulties and children playing. Even a small increase in on-street parking would increase this risk. The development does not propose any parking spaces. Although examples of off-street parking elsewhere in the street are given, no systematic survey of parking capacity near the appeal site has been provided.
9. For these reasons, I conclude the proposal would have a harmful effect on highway safety, with particular regard to parking. This is contrary to Policy DM7 of the ELP DMP, which requires appropriate parking provision that would not result in an increase of on-street parking stress detrimental to the amenities of local residents. It is also contrary to paragraph 111 of the Framework, which states development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Living conditions

10. The proposed rear private amenity space for the new dwelling is smaller in depth than the 11 metres recommended by the DC SPD. This guidance relates to houses with up to four habitable rooms and allows for flexibility where the amount of useable space would not be unduly constrained. The proposed space would be rectangular and oriented to receive reasonable levels of light. Its shape, quality and area would therefore be sufficient to accommodate activities normally expected of the occupants of a 1- bedroom dwelling.
11. I conclude that the proposal would provide acceptable living conditions for future occupants, with particular regard to private amenity space. Accordingly, I find no conflict on this issue with Policy DM10 of the ELP DMP, the DC SPD or the Framework, which require a level of amenity for residents commensurate with the type and location of housing proposed.

Other Matters

12. The proposal would make a modest contribution of one dwelling to the supply of housing. This dwelling would also help to meet the identified need for smaller homes in the area. In addition, the appellant is willing to make a Unilateral Undertaking for a planning obligation towards delivery of affordable housing within Elmbridge. The Council is satisfied this would address the requirements of Policy CS1 of the ECS, which seeks contributions to affordable housing from all new residential development.
13. These benefits of the proposed development are considered in the overall planning balance below.

Planning Balance

14. The Council accepts its current five-year housing land supply stands at 4.88 years, which represents a modest shortfall. Paragraph 11(d) of the Framework states that, where the policies which are most important for determining an application are out-of-date (which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole. The Framework is a material consideration of great weight.
15. Given the harm to character and appearance and to highway safety that I have identified, I conclude the proposal conflicts with a number of policies in the development plan. These harms also result in conflicts with the Framework for the reasons given above. I attribute moderate weight to the benefits of the proposed development set out in other matters. However, I consider the adverse impacts of the proposal arising from the harm to character and appearance and highway safety would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

16. Therefore, the conflicts with the policies of the development plan set out above lead me to conclude there is conflict with the development plan as a whole. There are no other material considerations, including the Framework, to outweigh that conflict. For these reasons, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR