
Appeal Decision

Site visit made on 3 March 2023

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/K3605/W/22/3290678

45 Homefield Road, Walton-On-Thames KT12 3RE

- 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 Mrs Tracey McDonald of McDonald Builders against the decision of Elmbridge Borough Council.
 - The application Ref 2021/0182, dated 3 December 2020, was refused by notice dated 22 November 2021.
 - The development proposed is addition of two storeys above the existing block of flats to provide two 2-bedroom flats and two 1-bedroom flats with alterations to fenestration, to provide two extra parking spaces and the widening of the cross/over/dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (a) The character and appearance of the area;
 - (b) Affordable housing provision;
 - (c) Living conditions of future occupiers regarding space standards;
 - (d) Living conditions of neighbouring occupiers regarding parking stress;
 - (e) Living conditions of neighbouring occupiers regarding pollution.

Reasons

Character and Appearance

3. The site located on a corner plot at 45 Homefield Road and the area is made up of residential development predominantly arranged as one and two storey buildings with a limited number of two and a half and three storey buildings.
4. The existing building on the site is two storeys in height. The appellant argues that the proposal would only add an additional storey based on an increase of 3.4m. However, it is clear from evidence that the perception would be of two additional storeys, because of the two additional floors, and despite attempts to integrate the second floor within the roof space which is not wholly effective.
5. This would be a substantial and very noticeable increase over the existing building and would look out of place along Homefield Road where the majority of existing buildings are of a lesser scale. In conjunction with the corner location of the site, the proposal would present as a dominant addition to the street scene.

6. Whilst I acknowledge the presence of larger buildings in the locality, such as the buildings behind on Oakbank Avenue, these do not inform the immediate street scene along Homefield Road. Consequently, these other buildings do not change my previous assessment.
7. The Council accepts the locality has no buildings of particular architectural merit and there is a mix of dwelling types. Moreover, during my site visit, it was clear that there is appreciable variation in the design and use of materials along Homefield Road.
8. To this end, whilst the proposal would deliver a palette of contrasting materials, the existing variation in the use of materials along Homefield Road means that it would not present as an alien or harmful addition to the street scene in this respect.
9. The Council disputes the extent of parking and the bin storage location. However, I am not persuaded based on the assessment provided that the parking area would be any more dominant than other areas of parking in the locality or that the placement of the bin storage would be incongruous within the existing residential context.
10. Overall, the proposal would be acceptable in relation to the use of materials, including the extent of parking and placement of bin storage. However, the proposal would not be acceptable in relation to its scale.
11. Consequently, it would harm the character and appearance of the area and conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 and Policy CS17 of the Elmbridge Core Strategy 2011.
12. Among other things, these policies set out that all development proposals must be of high quality design and based on an understanding of local character to preserve or enhance it.

Affordable Housing

13. The starting point for decision making is the development plan. Policy CS21 of the Elmbridge Core Strategy 2011 is clear that a financial contribution equivalent to the cost of 20% of the gross number of dwellings is required on sites of 1–4 dwellings.
14. Paragraph 64 of the National Planning Policy Framework (the Framework) states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'. This reflects the Written Ministerial Statement in 2014 and changes to Planning Practice Guidance in 2016.
15. However, Paragraph 60 of the Framework requires that the needs of groups with specific housing requirements are addressed, and Paragraph 62 of the Framework requires that the size, type, and tenure of housing needed for different groups in the community is assessed and reflected in planning policies. Paragraph 63 of the Framework requires off-site provision or an appropriate financial contribution in lieu to be robustly justified.

16. Whilst these paragraphs cover other issues not quoted by the Council, this does not skew the context or dilute the requirements to address the needs of groups with specific requirements, such as those relating to affordable housing.
17. The Council's position is to consider affordable housing based on local need. The Development Contributions Supplementary Planning Document 2020 is based on local need for affordable housing and establishes that seeking affordable housing contributions on residential sites of fewer than 10 units/1,000sqm would be viable and necessary.
18. On balance with the Development Contributions Supplementary Planning Document 2020 and other supporting paragraphs of the Framework, Paragraph 64 of the Framework and associated material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan.
19. As such, and altogether, there is a clear and robust local justification for determining the proposal in accordance with Policy CS21 of the Elmbridge Core Strategy 2011.
20. The appellant argues that the current market situation is one where an increasing number of developers are resorting to viability reports demonstrating they cannot afford contributions. However, there is no such viability report in front of me in this case and I have given the matter limited weight accordingly.
21. As a result of my findings, the proposal is not supported by the necessary planning obligations, and it is not clear from the appellant's submissions whether a planning condition would be an appropriate alternative mechanism.
22. Overall, the proposal would not provide the necessary affordable housing contributions and would conflict with Policy CS21 of the Elmbridge Core Strategy 2011 and the Development Contributions Supplementary Planning Document 2020. Among other things, these policies and documents seek to help deliver at least 1150 affordable homes between 2011-2026.

Living Conditions of Future Occupiers regarding Space Standards

23. The internal floor space of the proposed one bedroom flats would be 43.9m². The national standards¹ set a minimum requirement of 50m² for one bedroom flats based on two person occupation and 39m² or 37m² for one person occupation depending internal configuration.
24. The Council contends that the proposed one bedroom flats would be non-compliant on the basis of two person occupation. However, I note that furniture layouts are not required to demonstrate compliance. Without taking the furniture layouts into account, there is nothing else to indicate that the proposed one bedroom flats would be for any more than one person's occupation.
25. On this basis, the Council has not demonstrated that there is a reasonable likelihood that the one bedroom flats would be for two person occupation, or that one person occupation could not be secured by planning condition to make the proposal compliant with national standards.

¹ Technical housing standards – nationally described space standard 2015

26. Overall, the Council has not demonstrated that the proposal would harm the living conditions of future occupiers regarding space standards or that there would be conflict with Policy DM10 of the Elmbridge Local Plan Development Management Plan 2015. Among other things, this policy seeks to ensure proposals offer an appropriate standard of internal living.

Living Conditions of Neighbouring Occupiers regarding Parking Stress

27. The Council contends that there is an existing level of parking stress. However, there is no empirical evidence demonstrating there is a prevailing level of parking stress that the proposal would need to respond to.
28. Consequently, it is not clear that the minimum provision of one space per residential unit under Policy DM7 of the Development Management Plan 2015 is required in this case.
29. Therefore, and as the appellant points out, the general approach to parking standards as explained within the Parking Supplementary Planning Document 2020 is based on maximum levels of provision.
30. On this basis, the proposal is not required to meet minimum standards and would not exceed maximum standards. As such, the proposal would not give rise to an unacceptable parking arrangement.
31. Overall, there is insufficient evidence to demonstrate that there is a prevailing level of parking stress or that the proposal would deliver a parking arrangement that would harm the living conditions of neighbouring occupiers.
32. As such, I cannot conclude that the proposal conflicts with Policy DM7 of the Elmbridge Local Plan Development Management Plan 2015. Among other things, this policy requires minimum parking in response to parking stress.

Living Conditions of Neighbouring Occupiers regarding Pollution

33. The Council contends that two of the proposed parking spaces, the bin storage area and the communal amenity would be sited near the front and side windows of the existing ground floor flats, which serve habitable rooms. Furthermore, that the arrangement of these elements would result in undue light and noise pollution.
34. However, there is limited analysis about the existing residential context, or whether the proposed arrangement would be incongruous and not tolerated as part of the existing day to day living conditions. I also note the appellant's contentions that there is at least some defensible space that would help mitigate potential impacts even if they existed to some degree.
35. Overall, there is insufficient evidence to clearly demonstrate the proposal would harm the living conditions of neighbouring occupiers regarding pollution or that there would be conflict with Policies DM2, DM5 and DM10 of the Elmbridge Local Plan Development Management Plan 2015. Among other things, these policies seek to protect the amenity of occupiers.

Planning Balance

36. I acknowledge the lack of five year housing land supply and that the policies most important for determining the application are deemed to be out-of-date in accordance with Footnote 8, and that Paragraph 11(d) of the Framework is engaged.
37. However, even if there was a significant shortfall in five year housing land supply, the proposal is of limited scale. Consequently, there would be a correspondingly limited contribution to any shortfall. As such, the socio-economic benefits would be limited, despite maximising the use of previously developed land through higher density development.
38. On this basis, the cumulative adverse impacts of the proposal and harm derived from conflict with the development plan established under the main issues would significantly and demonstrably outweigh the limited benefits and the presumption in favour of sustainable development under Paragraph 11(d) of the Framework would not be engaged in favour of the proposal.
39. Consequently, there are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan, where on the basis of my assessment there is conflict as a whole.

Conclusion

40. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR