



Appeal Decision

Site visit made on 12 June 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JUNE 2023

Appeal Ref: APP/K3605/W/22/3313071

Two Oaks, Castle View Road, Weybridge, Surrey KT13 9AA

- 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 Naftoli Rudzinski (View Castle Estates Ltd) against the decision of Elmbridge Borough Council.
 - The application Ref 2022/0599, dated 1 August 2022, was refused by notice dated 21 November 2022.
 - The development proposed is described as the 'installation of lift and alterations to refuse area.'
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by View Castle Estates Ltd against the decision of Elmbridge Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.
4. Amended plans have been submitted with the appeal and provides different options of design and siting for the proposed bin storage area. I have considered the revised plan under the principles established by the Courts in *Wheatcroft*¹. To consider these options would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore considered the appeal on the basis of the original plans considered by the Council.

Main Issues

5. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of the occupants of the adjacent flat (Flat 2), with respect to noise, smells and outlook.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

Reasons

Character and appearance

6. Two Oaks is a detached three storey apartment block sited on the corner of Castle View Road and Monument Hill. The mostly brick L shaped building consist of a main pitched roof with a gable projecting to the rear and has parking to its rear and landscaping around its front and side. There is also a flat roofed ground floor element to the rear facing the car park, consisting of garages. The building is set back from the road and its bulk is mitigated to some extent by the landscaping and trees on the side boundary. Whilst mixed in architectural form, the Castle View Road is characterised by soft landscaping and short boundary walls or fences fronting the highway, resulting in a pleasant, verdant character.
7. The proposed lift shaft would entail a three-storey extension which would sit next to the existing projecting gable at the rear of the building, partly within an existing inset. Whilst limited in scale compared to the rest of the building and matching in terms of brick finish, the flat roofed extension would awkwardly project above the existing ridge line and would sit in incongruous contrast with the existing roof form. This would not represent high quality design. Given its location above the rear entrance it would appear prominent to users of the building's car park.
8. I acknowledge that the projecting gable and surrounding landscaping would mostly obscure the extension from view from public vantage points and its impact on the wider street scene would therefore be limited. Nevertheless, it would detract from the character and appearance of the existing building.
9. The proposed bin storage area would be located on the side elevation close to the road. The plans show that there would not be any surrounding structure, only 4 separate standalone bin storage structures. Given their simple form and limited scale, the bins would not detract from the architectural form of the existing building. Given the lack of built form around the bins, no foundations or dig would be necessary, indeed the plans show that they stand slightly above the ground floor level on short legs. It does not appear that bins would need to be rolled into place. As such, there would not be a detrimental impact on the roots of the nearby tree nor future pressure to prune or remove it.
10. I note the appellant describes the bins as bespoke and that they are designed to sit externally. However, given their location and design, the bins would be prominent and, given their functional appearance, readily perceived as bins to passers-by. Their visual impact in this location, close to the entrance to the street, would therefore be significant to anyone entering or existing Castle View Road, and they would appear as incongruous features in close proximity to the road. They would detract from the existing landscaping and the character of the street scene.
11. I conclude that the proposed development would detract from the character and appearance of the existing building and the surrounding area. The proposal would therefore conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (DM) and Policies CS4 and CS17 of the Elmbridge Core Strategy (2011) (CS). Amongst other things, and in accordance with the requirements of the National Planning Policy Framework (Framework),

these policies seek high quality design in all new development, and proposals that preserve or enhance the character of the area.

Living Conditions

12. The plans show that the bins storage area would be located adjacent to and as shown on the side elevation drawing, extend in front of a window serving flat 2 within the appeal building. This is the main window serving this single aspect flat, and its existing outlook is over the landscaped area and trees to the side of the building, allowing some sense of space.
13. This outlook would be compromised by the visually prominent bins, which would sit incongruously close to the window and dominate the existing outlook. The development would adversely affect the quality of living conditions available to users of the room served by the window as a result.
14. Were I minded allowing the appeal, a condition restricting the bin storage area to recycling waste only would ensure that there would not be any unpleasant odours impacting the occupier of this flat. However, this would not address nor adequately mitigate against the noise implications of the use of these bins, when the disposal of waste would result in short but sharp noise disturbance, distinct from the existing usual traffic noise. This would disturb the occupiers of this flat and would also result in an unacceptable impact upon the living conditions of occupiers of Flat 2.
15. For the above reasons, I conclude that the proposed development would harm the living conditions of the occupants of Flat 2, in respect to outlook and noise. The proposal would therefore conflict with DM Policy DM2, which seeks high quality design in all new development.

Other Matters

16. I acknowledge that the proposed lift would improve access to residents and visitors, however it has not been demonstrated that this would not be possible without the harmful impact to the character and appearance of the existing building set out above. As such, this has limited weight in favour of the proposal. Similarly, the improvement to the access to the bin storage area I noted, but again, it has not been demonstrated that the bin storage area in this location is necessary to accomplish this.
17. I further note that an additional 2 floors have been approved² to the appeal building. Whilst this may increase the requirement for a lift, this would also alter the roof form and height and the visual impact and design of the necessary extension would also alter.
18. As such, these benefits attract minor weight which does not outweigh the harm identified.
19. A condition requiring an alternative siting for the bin storage area would not be appropriate as, notwithstanding the lack of consultation on the alternative siting, given the uncertainty and lack of precision, it would not meet the tests of the Framework.

² Application reference 2021/0395

Conclusion

20. 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.

B Phillips

INSPECTOR