



Appeal Decision

Site visit made on 18 July 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/K3605/W/22/3313241

254 Walton Road, West Molesey KT8 2HT

- 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 Dr Shahid Khan against the decision of Elmbridge Borough Council.
 - The application Ref 2022/0020, dated 25 January 2022, was refused by notice dated 21 November 2022.
 - The development proposed is for a new door and windows on the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development from that originally written on the planning application form for the purposes of clarity.
3. At the time of my site visit, I saw that the development applied for was completed and I note that the application had been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

5. The appeal site is located within a terrace of 5 properties, each comprising ground and two upper floors with the top floor being set within a mansard roof. The ground floor of each property appears to have been in commercial use at some point in the past, as there is evidence of former shopfronts in the form of pilasters and space for fascia boards. Within the terrace, there are two units currently in commercial use at ground floor, along with a vacant former butchers shop and a residential use at number 256 adjacent to the appeal site.
6. The wider area is mixed in character. To the west, there are distinctly fewer commercial uses and more residential, while running eastwards from the appeal site, there are more commercial uses found at ground floor often with flats above. Shopfronts are characteristic at ground floor, but I also note that there are several examples in the area where the ground floor commercial units have been converted to residential use. The appeal site has recently been issued with permission for residential use pursuant to a prior approval notification under Class MA of Schedule 2, part 3 of the General Permitted Development Order 2015 (as amended).

7. The ground floor as built comprises white render along with a uPVC door with small window adjacent, and a further small uPVC window set slightly off centre. The proportions, small size and detailed design of the door and windows do not relate well to the fenestration on the upper floors, having the overall effect of giving the building a somewhat unbalanced appearance. The solidity introduced by the render and the small windows relates poorly to the other buildings within the immediate vicinity that still have shopfronts, as they typically have large expanses of glazing set within timber or metal frames. The alterations as built are not therefore sympathetic to the character and appearance of the surrounding area due to the size, positioning and materials of the door and windows installed.
8. My attention has been drawn to other examples in the area where former commercial frontages have been removed and replaced with windows and doors to reflect the current residential use of the buildings. I appreciate that the adjacent building at number 256 has a similar arrangement to the appeal site at ground floor, but the council have stated that the alterations do not have the benefit of planning permission. In any event, I do not consider that the presence of a similar elevation at the adjacent property indicates that the works done at the appeal site are characteristic of the area.
9. Two further examples cited are near the appeal site at numbers 266 and 270 Walton Road. In both these examples, the windows installed relate well to the windows on the upper floors of the buildings and at number 266 the fascia and pilasters are still there, referencing the former commercial use. I do not consider the design of these front elevations is directly comparable to that of the appeal site as the buildings are of different proportions, style and materials. The example the appellant cites at 4 High Street, West Molesey is not within the vicinity of the appeal site; it does not have any bearing on my consideration of this appeal.
10. In its reason for refusal, the council referred to the loss of the shopfront, contrary to policy DM15 of the Development Management Plan 2015 which requires shopfronts to be of high quality design, whilst resisting the removal of shopfronts of architectural or historic interest. The photographs provided with the appeal indicate that the former aluminium framed shopfront was not an historic or particularly traditional example which would be worthy of retention under the terms of DM15. This holds neutral weight in my overall consideration of the appeal.
11. Policies CS1, CS7 and CS17 of the Elmbridge Core Strategy 2011 all seek, amongst other things, to ensure new development is high quality, well designed and sensitive to the local character of the area. Policy DM2 of the Development Management Plan 2015 requires new development to be based on an understanding of local character, and that proposals should preserve or enhance the character of the area. The ground floor elevation as built, for the reasons described above, runs contrary to the aims of these policies.

Other Matters

12. The appellant has drawn my attention to enforcement proceedings at the appeal site and their alleged absence elsewhere. The absence of enforcement action on other properties is not a matter to which I can reasonably attach any weight in the determination of this appeal.

13. The point made regarding rateable value is not a matter which holds any weight in the determination of this appeal. Similarly, the vacancy of the unit and the history of the land uses on this site are not a matter I consider to be determinative in this appeal.

Conclusion

14. I have found that the appeal proposal harms the character and appearance of the area, as such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Accordingly, the appeal is dismissed.

L Francis

INSPECTOR