



Appeal Decision

Site visit made on 11 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/K3605/W/23/3317435

62 Dennis Road, East Molesey, Surrey KT8 9ED

- 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 J Waldron against the decision of Elmbridge Borough Council.
 - The application Ref 2022/1776, dated 7 June 2022, was refused by notice dated 4 October 2022.
 - The development proposed is detached single-storey house with associated access, bin store and parking following demolition of existing garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this is more concise. I also note that this same description was used in the appellant's appeal form.
3. During the course of the appeal, the Council confirmed that the first reason for refusal, relating to affordable housing, had been addressed. I have no reason to disagree with those findings.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to overlooking;
 - whether a satisfactory standard of accommodation would be provided for future occupiers; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions – neighbours

5. The proposed development would introduce a set of large glazed doors to the rear elevation. These would be at an elevated position by reason of the raised floor levels and angled directly towards the rear of 62 Dennis Road, and obliquely towards the rear of 60a and 64 Dennis Road.
6. Nos 62, 60a and 64 all feature rear facing windows to habitable rooms. At present, the occupants of these properties benefit from privacy from the rear

- due to the separation distance between them and established dwellings along Hurst Lane.
7. For this reason, together with the relatively limited back-to-back separation distances proposed here, the occupants of Nos 62, 60a and 64 would experience a harmful loss of privacy as a result of the proposed development. Properties on the opposite side of Hurst Lane would experience a typical cross-street relationship with the new dwelling and no harmful effects would arise in that respect.
 8. The appellant makes reference to the '45-degree rule' being achieved. However, there is no dispute in respect of the impact on the daylight of neighbouring properties. As such, this matter does not overcome or outweigh the harm identified above.
 9. Overall, I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking, contrary to the relevant provisions of Policy DM2 of the Elmbridge Local Plan Development Management Plan (DMP, 2015) and the Design and Character Supplementary Planning Document (SPD, 2012), which in summary seek to protect living conditions. This is in a similar vein to the National Planning Policy Framework (the Framework) insofar as living conditions are concerned.

Standard of accommodation – future residents

10. The proposed development would provide 1 bedroom accommodation over a single storey. The Nationally Described Space Standard (NDSS) sets out that the minimum space standard for a 1 bedroom, 1 person unit is 39sqm. A 1 bedroom, 2 person unit should measure 50sqm. There is disagreement about whether the proposed dwelling should be treated as being a 1 bedroom, 1 person unit, or a 1 bedroom, 2 person unit.
11. I consider that the size of the dedicated bedroom, annotated as 12sqm on the plans before me, would be capable of accommodating a double bed and could therefore be used by two people. This is based on the NDSS requirement of a single bedroom being at least 7.5sqm and a double bedroom being at least 11.5sqm. The proposed unit could therefore reasonably be considered a 1 bedroom, 2 person dwelling.
12. On this basis, the provision of 46.7sqm of floorspace would not be compliant with the requirements of the NDSS in respect of internal floorspace and would fail to provide a satisfactory standard of accommodation.
13. In respect of daylight and sunlight, I have no technical evidence before me to support the scheme, for example a daylight or sunlight assessment. However, the dwelling would be dual aspect with reasonably large windows and relatively unobstructed outlook. Accordingly, I have no reason to doubt that the occupiers of the unit would receive adequate daylight and sunlight, with reasonable levels of outlook.
14. I acknowledge that the SPD recommends a minimum garden depth of 11m. The proposed development provides a much shorter length. However, it would measure a total of 27sqm. A garden of this size would be appropriate for the occupiers of the proposed dwelling in this instance, which is highly unlikely to accommodate a family.

15. Overall, whilst the proposed development would provide a satisfactory standard of accommodation in respect of light, outlook and amenity space, it would fail to provide adequate internal space. The proposal would be contrary to the relevant provisions of DMP Policy DM10, the SPD and the NDSS, which in summary seek to protect living conditions. This is in a similar vein to the Framework insofar as standard of accommodation is concerned.

Character and appearance

16. The appeal site comprises a parcel of land located to the rear of 62 Dennis Road, and which fronts Hurst Lane. At the time of my site visit, I observed that no garage existed on the site.
17. The appeal site is located in a predominantly residential area which, overall, has a varied layout and character. This is particularly true of Hurst Lane which features two-storey properties of a mixed age and appearance, and a row of single-storey garage and outbuilding structures. Those structures are varied in their design and feature a range of roof profiles, with some flat, some pitched and some hipped.
18. Whilst the proposed development would be highly visible from Hurst Lane and from the private vantage points of neighbouring properties, it would be seen within the context of established built form, including the varied garage and outbuilding structures that already exist and which would sit alongside the proposed building. The proposed development, although marginally taller and deeper than those neighbouring structures, would appear neither incongruous nor cramped in its setting and would be set back from Hurst Lane in a similar manner to buildings on neighbouring sites. That the proposed building would be used as a dwelling would not appear out of keeping here as a number of the existing single-storey structures along the same stretch of Hurst Lane already feature domestic-style windows and doors. The proposed use of parallel parking to the front of the dwelling would not be harmful to the streetscene where both on-street and off-street parking arrangements prevail.
19. Overall, I conclude that the proposal would have an acceptable effect on the character and appearance of the area, in accordance with the relevant provisions of Policy CS7 of the Elmbridge Core Strategy (CS, 2011) and DMP Policy DM2. These policies, in summary, seek to ensure that development proposals achieve high quality design. This is in a similar vein to the objectives of the SPD and the Framework, insofar as design quality is concerned.

Planning Balance

20. There is no dispute that the Council cannot demonstrate an up-to-date HLS. Accordingly, the most relevant development plan policies relating to the supply of housing are out-of-date, and so paragraph 11(d) of the Framework is engaged. This states that planning permission should be granted unless one of two criteria apply. One of these is if any adverse impacts would '*significantly and demonstrably*' outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is known as 'the tilted balance'.
21. The proposed development would represent a contribution of one extra dwelling to the housing supply in the district. This would represent a social benefit, but limited to a single dwelling. Therefore, I afford this moderate weight.

22. The appellant sets out that the development would meet a number of other planning objectives, including in respect of highway safety, and note that there are no objections in respect of waste or biodiversity. Those matters are not in dispute between the Council and appellant. However, even were I to reason that the scheme was acceptable in those respects, this would essentially be neutral in my assessment of the appeal. I therefore afford these matters no weight.
23. Against these matters are the significant harm to the living conditions of existing and future occupiers. On balance, therefore, I find that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

24. For the reasons above, and having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR