



Appeal Decision

Site visit made on 12 December 2023

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/K3605/W/23/3321194

90 Woodfield Road, Thames Ditton KT7 0DS

- 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 Jim Reed of Reed Watts against the decision of Elmbridge Borough Council.
 - The application Ref 2021/4281, dated 14 December 2021, was refused by notice dated 1 February 2023.
 - The development proposed is extensions and alterations to convert existing house into 5 flats, single-storey outbuilding, bin stores and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jim Reed of Reed Watts against Elmbridge Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the appellant name above from the application form. Although different to that on the appeal form, clarification was provided that there was no change. I have taken the description of development from the decision notice as this was used on the appeal form and more accurately describes the proposal.
4. During the appeal the Council have confirmed that they no longer seek to pursue the reason for refusal relating to the provision of affordable housing.

Main Issues

5. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide appropriate living conditions for future occupiers with particular regard to outlook and outdoor space.

Reasons

Character and Appearance

6. While the staggering of the new build element from the existing part and the set back of the stairway would mean more of the built form would be visible on the approach to the site, this would help break up the bulk of the building. There is some variety in the scale and design of properties in the area. This includes larger blocks of built form further along the road. The height and width of the building as a whole would not be dissimilar to other properties or groups of properties nearby.
7. Notwithstanding this, the new build element would extend up to the edge of the plot at the front and back. Although this is, in part, due to the plot narrowing, the built form would sit uncomfortably and uncharacteristically close to the road and rear boundary. Furthermore, it would also result in a considerable amount of the plot being occupied by buildings. This would erode the existing spaciousness in the area that is created by buildings being primarily set back from the road and with space behind between them and the embankment that contributes positively to the character and appearance of the area.
8. The bulk of the building would not appear incongruous, and would incorporate materials, features and roof shapes that are found nearby. Nonetheless, while consolidating sites with higher densities may be anticipated in the area, the positioning of the new build element, jammed against the front and rear boundaries would be discordant. This would be obvious from the street and nearby properties.
9. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would fail to accord with Policies CS8 and CS17 of the Elm Bridge Core Strategy and Policy DM2 of the Local Plan¹. These, in part, require schemes to contribute to, preserve or enhance the character of the area. It would also be contrary to the aims of the SPD to ensure that the design of future development is more locally responsive.

Living Conditions

10. No benchmark or set standards for outlook have been put before me. A window close to the access adjacent would afford a relatively open outlook from the living area of the ground floor flat of the new build element despite the front window being very close to the boundary treatments. Nevertheless, in the new build element, although not directly in front, the proposed bin store would be very close to the front bedroom window and therefore would feature prominently in the outlook from that room. In addition, while the tree and planting would be softer in appearance and create privacy from the street, this would be directly in front of that window. This would result in a limited outlook for occupiers using that room. The other bedroom window would have parking spaces near it, similarly resulting in an uninviting outlook from that room.
11. The window for the smaller bedroom in the first floor flat of the existing building would be orientated towards the new build element only a short distance away. Unlike the other bedroom window for that unit, there would be no direct view away from the new build element with only angled views away

¹ Elmbridge Local Plan Development Management Plan

from it to one side. To the other side would be the stairway enclosing the outlook in that direction. The new build element would be an imposing and dominant feature in the outlook from the relatively small window and result in an oppressive and uninviting outlook from this room.

12. Therefore, while these units would meet internal space standards and all rooms have windows rather than roof lights, there would not be an acceptable outlook from them.
13. While relatively close to the railway embankment and parking spaces, front and rear windows for the ground floor flat in the existing building would have a similar outlook as at present. The staggering of the parking spaces in front of this unit means vehicles would not create an unacceptable outlook from the front windows.
14. The ground floor flats would have some outdoor space and the maisonette a small terrace. The studio/garden room would be a shared indoor area. However, other than small pockets, that given their size and position severely limits their usability, there would be no shared outdoor space or private outdoor areas for the other flats. Although no specific policy requirement for outdoor space has been put to me, and the units would be flats with Juliette balconies, the lack of any private or usable shared outdoor space would provide unacceptable living conditions for the occupiers of these units. That there may be open space in the wider area does not compensate for the lack of private space on site.
15. Consequently, the proposed development would fail to provide appropriate living conditions for future occupiers with regard to outlook and outdoor space. The scheme would be contrary to Policy DM10 of the Local Plan where it states residential accommodation should offer residents an appropriate level of outlook and amenity, including gardens or outdoor space.

Other Matters

16. The Council accepts that it does not have an up-to-date 5 year housing land supply. Given the scale of the scheme and in light of the shortfall in housing land supply, the provision and mix of housing attracts moderate weight. The site has reasonable access to services and facilities. There would be economic and social benefit from the build and occupation of the properties. Due to the number of additional units proposed, the benefits would be small, as they would for any biodiversity enhancements.
17. Even if I were to agree that there would be no harm arising from matters other than those in the main issues, such as flooding and highway safety, a lack of harm would only be a neutral factor. There is no compelling evidence that the proposal would reduce or prevent any existing anti-social behaviour or fly tipping concerns, or that other methods could not achieve the same aims. This attracts little weight. The conduct of the Council does not alter my findings on the main issues.
18. Although the scheme has been amended to attempt to overcome previous concerns, I have found harm would arise from the scheme before me with regard to the character and appearance of the area and that the scheme would not provide appropriate living conditions for future occupiers. The development plan policies that the proposal conflicts with are broadly consistent with the

National Planning Policy Framework (Framework). I give the conflict with these policies moderate (character and appearance) and substantial (living conditions) weight due to the extent of the harm. The proposal conflicts with the development plan as a whole.

19. The proposal would align with the aim of the Framework to significantly boost the supply of housing and where it recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. It would accord with the economic policies of the Framework from the build and occupation of the dwellings. Taking account of the scale of the scheme and the delivery figure, housing supply benefits would be moderate, with the others, including biodiversity benefits, being small.
20. It would conflict with the Framework where it requires schemes to be sympathetic to local character and a high standard of amenity for existing users. These conflicts attract moderate and substantial weight respectively.
21. Therefore, even with the level of shortfall in housing identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the scheme does not benefit from the presumption in favour of sustainable development as set out in paragraph 11d)ii of the Framework.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole, and the Framework, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
23. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR