



Appeal Decision

Site visit made on 16 November 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 24th January 2024

Appeal Ref: APP/K3605/W/23/3318540

**13B The Courtyard, Molesey Road, Hersham, Walton-On-Thames, Surrey
KT12 4RN**

- 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 Roger Hutton, Howard Hutton & Associates against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2534, dated 11 August 2022, was refused by notice dated 17 February 2023.
 - The development proposed is part single-storey/part first-floor rear extension and second-floor extension to create 3 new residential units incorporating alterations to existing units and associated amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's details provided on the submitted appeal form differ from those set out on the planning application form. It has subsequently been confirmed that the correct details are those on the planning application form. The appeal has been validated using these details, which are also given in the above banner heading.
3. Subsequent to the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. The parties' views have been sought on the potential relevance of the revised Framework. Of note are the changes made at paragraph 77 that, in circumstances where a Council has an emerging local plan that has been submitted for examination, indicates the housing land supply requirement reduces from five to four years. Furthermore, paragraph 124e) supports opportunities to use the airspace above existing residential premises for new homes, where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well designed. Chapter 12 also seeks to achieve well-designed and beautiful places and the references to the word 'beautiful' has increased. I have determined the appeal in light of the revised Framework and the parties' representations on it.
4. The second reason for refusal on the Council's decision notice relates to the absence of a legal agreement to secure a late review mechanism for a potential contribution towards affordable housing. The Council, through its statement of case, has confirmed that it no longer seeks to defend that reason for refusal. This has resulted in the single main issue below.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

6. Located close to the centre of Hersham and just beyond the boundaries of the Hersham Village Conservation Area (CA), the appeal site comprises a two-storey residential building located at the end of a parade of shops that front Molesey Road. Although no statutory protection for the setting of a CA is present under the requirements of 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, the Framework requires the impact of a proposal on a heritage asset be taken into account, including by development affecting the setting of a heritage asset.
7. The CA designation is focused upon the open spaces of The Green, Vaux Mead and the Memorial Gardens and includes a variety of older traditional buildings that lead up to and frame the open spaces, some of which are listed or locally listed buildings. The significance of the CA in part relates to the attractiveness of the open spaces, mature trees and the layout and form of buildings around them. The appeal site is proximate to the boundaries of the CA, and close to a terrace of two-storey vernacular buildings within it. However, its age, form and orientation away from Molesey Road and the open spaces of the CA means that although it may fall within the setting of the CA, the appeal site contributes very little to its significance as a designated heritage asset.
8. The site is in a mixed-use area, where the principal routes tend to be fronted by two-storey buildings with retail at ground floor and residential uses above. Secondary streets are fronted by two-storey dwellings. An exception is Glenbrook House, which is a modern flat-roofed building that fronts Molesey Road opposite the appeal site. Glenbrook House stands out as an atypical building that adds some variety to the local street scene rather than define its prevailing character and appearance.
9. The appeal building is angled away from Molesey Road and fronts a short, secondary route and is set behind parking spaces and a high rendered wall. Its orientation away from the principal Molesey Road frontage and towards the side street, causes the appeal building to have a secondary, recessive relationship with the main street scape and parade of shops. In combination with a lower, unbroken ridge line and concealment of the ground floor behind the high wall, the appeal building has a diminutive scale and form that makes it unassuming within the local context. The height and scale of the nearby Glenbrook House also emphasises the receding nature the appeal site has away from the primary Molesey Road frontage.
10. The proposal would extend at the upper floor and roof level of the appeal site to provide 3 additional residential units. The proposed changes at roof level would increase the height, introduce multiple different roof pitches as well as a number of large rooflights. This would introduce a complexity to the roof form that would have an awkward relationship with the simple roof form of the existing building. The proposed rooflights are of a significant scale, which would visually dominate the roof slope and weaken the diminutive relationship it

currently has with the adjacent parade of shops. Fundamentally, the proposed roof level changes would significantly increase the scale and bulk of the appeal building and cause it to appear dominant and as an alien feature in its context.

11. The appellant makes reference to the 'Webster Floors' building, located at the opposite end of the parade of the shops to the appeal site, which was subject to an increase in ridge height. However, I observed that that this building continues the Molesey Road frontage along from the parade of shops and features a relatively simple mansard roof of a similar height. While the changes at Webster Floors are unassuming and fit subtly in relation to the surrounding built context, by contrast the appeal proposal would harmfully stand out.
12. Although Glenbrook House is large and close to the appeal site, its scale and form is uncharacteristic of the local area. Unlike the appeal site, it addresses Molesey Road. I therefore do not consider Glenbrook House offers a useful precedent nor justification for the appeal proposal.
13. I note the Council's position in respect of the impact of the scheme on the adjacent CA. However, even if it would be visible from some vantages within the CA, I do not consider that the harmful impact the proposed development would have on the appeal site and the local area would undermine the significance of the CA as a whole. Notwithstanding that the adjacent CA would not be harmed, the proposal would nonetheless have a discordant and jarring relationship with the existing building as well as the adjacent parade of shops. The impact of the proposal would be prominent from vantages along Molesey Road where it would appear as harmfully out of place and at odds with the local street scene.
14. Having regard to the above, the proposal would have an unacceptable adverse effect on the character and appearance of the area in conflict with Policy CS17 of the Core Strategy 2011, Policy DM2 of the Elmbridge Development Management Plan 2015 (EDMP), the Design and Character SPD 2012 and the revised NPPF 2021. These policies and national guidance, taken together and insofar as relevant, require that proposals are of a high standard of design and should preserve or enhance the character of the area. As I have not identified any harm to the significance of the CA, there would not be any conflict with Policy DM12 of the EDMP or the Framework in respect of heritage assets and their settings.
15. Notwithstanding that the Framework seeks to make effective use of land and supports opportunities to use the airspace above existing residential and commercial premises for new homes, this is only in circumstances where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well designed. This is not the case with the proposals before me. Therefore, conflict also arises with the Framework, including insofar as it seeks to ensure the creation of high quality, beautiful and sustainable buildings and places; and developments that are sympathetic to the local character.

Other Matters

16. The Council had resolved to grant planning permission for a different scheme at the appeal site, which was subsequently withdrawn prior to the committee meeting or a formal decision being reached. It is not the role of this appeal to form a view on the acceptability of that scheme, which featured a flat roof

design and was therefore materially different to the scheme before me, which has been decided on the site-specific circumstances and proposals as they were submitted.

17. I note the comments in respect of the Council allegedly hindering the production of a legal agreement pursuant to refusal reason 2. As this reason for refusal is no longer being defended, and this does not alter the merits of the scheme, this has not influenced my consideration of the appeal scheme.

Planning Balance

18. The Elmbridge Borough Local Plan was submitted for examination on 10 August 2023 and the appellant does not dispute that the Council is now required to show a four years' land supply rather than five. The appellant, however, contends that the Council only has a 3.81-year supply¹. There is limited evidence before me on where the nature of the dispute in the housing land supply figures lies. Even taking the appellant's lower figure, the contribution that the appeal scheme would make towards any shortfall would be very small.
19. Nevertheless, the proposal would still make a valuable contribution towards government's target to significantly boost the supply of homes in a Borough which has higher than average house prices. The proposal would help to achieve the Framework objection of making effective use of land and would provide much needed smaller housing, adding to the mix and choice of homes available in the Borough. The construction of the proposed development would deliver temporary economic benefits, through job creation. The delivery of three additional dwellings would result in additional spending within the area and would be located close to a range of services and public transport. The proposal would provide financial contributions to local infrastructure in line with the Community Infrastructure, to avoid a burden on local services and infrastructure.
20. The scheme would be acceptable in terms of affordable housing, highway safety and parking, the effect on neighbouring amenity and the standard of accommodation proposed, however, the absence of harm in these respects is a neutral consideration that weighs neither for nor against the proposed development.
21. Cumulatively, the social and economic benefits that weigh in favour of the appeal scheme would be moderate. On the other hand, the Framework advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Given the identified harm to the character and appearance of the area, the proposed development fails to satisfy the environmental objective of sustainable development and runs counter to the Framework taken as a whole, notably those that promote good design. Even if the Council cannot demonstrate a 4-year supply and the policies which are the most important for determining the appeal are out-of-date, there would still be conflict with the development plan policies. The harm identified and policy conflicts weigh very heavily against the proposals, and overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

¹ Based on the Annual Monitoring Report 2022/23, March 2023 p.2 appellant's comments on the relevance of the new Framework to the appeal

Conclusion

22. The proposal would conflict with the development plan as a whole, and material considerations do not indicate a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR

