



Appeal Decision

Site visit made on 18 December 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/K3605/W/23/3321384

2 Layton Court, Weybridge Surrey KT13 9AD

- 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 Miss A Merchant against the decision of
 - Elmbridge Borough Council.
 - The application Ref: 2022/3612 dated 22 February 2023, was refused by notice dated 3 April 2023.
 - The development proposed is new dwelling to flank of 1 & 2 Layton Court, Weybridge, Surrey KT13 9AD
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. I have written to the Appellants and the Council to invite them to consider whether the revised Framework has any relevance to the appeal. The Council submitted representations in this regard, which I have taken into account.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposed new access on on-street parking provision;
 - b) The effect of the proposal on the character and appearance of the local area;
 - c) Whether the proposal would provide satisfactory living conditions for future occupiers, with particular reference to outdoor amenity space;
 - d) Whether the proposal would make an appropriate contribution to affordable housing provision.

Reasons

Issue a) Parking Provision

4. The appeal site comprises an area of green space fronting Castle View Road and to the side of 1 and 2 Layton Court in a predominantly residential area. Castle View Road leads off the A317 near the centre of Weybridge.

5. The proposal comprises the provision of 1 two bedroom dwelling, attached to the side of Nos 1 and 2 Layton Court. It would be provided with its own vehicular access off Castle View Road, to provide one off street parking space. There is no dispute between the Appellant and the Council that the proposed parking would be adequate to serve the proposed dwelling and would accord with the Council's parking guidelines and I have no reason to take a different view.
6. The issue relates to whether the provision of the new dwelling with its own vehicular access would result in an unacceptable impact on the available on-street parking in the local area. The provision of the new access to serve the new dwelling off Castle View Road would remove at least one informal parking space along the road, and to allow for the access splays, it could result in more than one parking space being 'lost'. There is no information before me to confirm the resultant effect on on-street parking.
7. At the time of my site visit the local area was very heavily parked, including with some double parking and informal parking over grass verges. It is not clear whether all of the parked cars relate to the local residents or from further afield, given the proximity to the junction with the A317 and other facilities in the local area. However, the number of cars, where they were parked and the difficulties in manoeuvring, especially with Layton Court itself, would seem to be symptomatic of parking stress. It would appear from the Council's statement, as well as representations from local residents, that my experience during my site visit was not atypical and there is no evidence to counter this view.
8. I appreciate that the parking here is 'uncontrolled' and so may not be solely available for or used by local residents and that the number of potential spaces to be removed to enable the new access would be limited. There is no information before me, including any parking surveys, to be able to undertake a more thorough assessment of the parking situation but it is clear that there is already a difficult parking situation that would be harmfully exacerbated by the proposal and the resultant loss of on-street parking.
9. I have noted that the County Council did not object, but I have taken into account that Layton Court is a private road over which the County Council has no jurisdiction.
10. I am not therefore satisfied that the proposal would not lead to further parking stress in the local area and this would be harmful to the living conditions of existing residents. This would conflict with Policy DM7 of the Council's Development Management Plan (DM Plan) which relates to access and parking being appropriate and not increasing on street parking stress that would be detrimental to the amenities of local residents. It would also conflict with the Framework and in particular paragraph 135f), which amongst other things, seeks to protect the amenities of existing and future occupiers.
11. The Appellant has drawn my attention to other residential proposals in Castle View Road which have been allowed on appeal but where parking was not considered to be an issue (Refs: APP/K3605/W/21/3286615, APP/K3605/W/21/32866449, APP/K3605/W/16/3151802 and APP/K3605/W/17/3181617 and 3184157). Each proposal must be considered on its merits but in so far as the information has been made available to me then I have taken them into account. However, although close by, they are not

in the same location as the proposal before me, both in terms of the relationship with Layton Court or in terms of the proximity to the junction with the A317. They do not therefore persuade me to a different view.

Issue b) Character and Appearance

12. The appeal site forms part of Layton Court, a short cul de sac of maisonettes, leading off Castle View Road. The proposed dwelling would be attached to the western end of the terrace comprising numbers 1-4 and has the appearance of a pair of semi-detached dwellings. Although narrower than the adjacent maisonettes, the proposed attached 2 storey dwelling would follow a similar design style, including in terms of scale, height and massing to the existing terrace and would appear as an extension to that terrace. Although the existing properties in the terrace are maisonettes, in visual terms the addition of the proposed house would be acceptable and in street scene views would be seen as a continuation of the terrace.
13. The new dwelling would extend into an area of open grass between Nos 1 and 2 Layton Court and the driveway leading to two garages. Whilst it would reduce the area of open space at the entrance to Layton Court at the junction with Castle View Road, there would remain a good amount of open space to the side and to the front of the new dwelling. I do not therefore consider that the proposed new dwelling would appear cramped in its siting or detract from the openness around the entrance of Layton Court. It would maintain the current appearance of the development, that is, that it would be set back from the frontage with hard and soft landscaping between the built development and the road.
14. I have taken into account the Framework's increased emphasis on 'beautiful' buildings and places and the circumstances in which a significant uplift in densities may not be appropriate. However, I consider that the design approach to follow the existing form and pattern of development would be an appropriate response in this instance and that the increase in density would not be significant in terms of the resultant effect on the character and appearance of the local area. I consider that the proposed development would be readily assimilated into the street scene.
15. I therefore conclude that the proposed development would respect and preserve the character and appearance of the local area. There would be no conflict with Policies CS4 and CS17 of the Core Strategy, Policy DM2 of the DM Plan and the Framework and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Issue c) Private Amenity Space

16. The private amenity space to serve the two bedroom dwelling would be at the rear of the dwelling. It would not be particularly large, measuring some 6m in depth but it would be regularly shaped and south facing.
17. The Council's Design and Character SPD (SPD) indicates at paragraph 5.56 a flexible approach to the provision of private amenity space to suit the needs of the occupiers. Whilst there is reference to garden depths of 11m the SPD is clear that this is not a requirement and the appropriate garden size is dependent on the character of the area and the type of development proposed.

18. In view of the nature of the proposal, being a two bedroom dwelling and the character of the area, with the surrounding properties having modest sized gardens, I consider that the size of the garden would be acceptable to serve the incoming residents.
19. I am therefore satisfied that the proposal would provide an appropriate private amenity space to serve the future incoming residents of the proposed house. There would be no conflict with Policies DM2 and DM10 of the DM Plan, the SPD and the Framework, and in particular paragraph 135f), all of which amongst other things seeks to protect the amenities of existing and future occupiers.

Issue d) Affordable Housing

20. The Appellant and the Council both agree that a contribution towards affordable housing is required to meet the requirements of Policy CS21 of the Local Plan. I have taken into account the approach to affordable housing under the Framework but acknowledge that the local circumstances may justify a different approach. In this case the Appellant is not seeking to contest the principle of the Council's requirement and has submitted a Unilateral Undertaking during the appeal stages, dated 30 November 2023.
21. It would appear that the Council has not received a copy of this Undertaking and in its appeal submission the Council has also raised a concern that the Appellant has not provided evidence to demonstrate the open market value of the proposed new dwelling in order to calculate the required affordable housing contribution. There is no information before me to understand the basis upon which the Appellant has calculated the contribution that has been made.
22. Notwithstanding the submission of a Unilateral Undertaking, I cannot be satisfied that this would satisfy the requirements of Policy CS21 of the Local Plan for the reasons outlined above. However, were there no other matters of concern and planning permission were to be granted, it would appear that this matter could be further addressed and resolved.

Other Considerations

23. A number of other concerns, in addition to those I have addressed under my main issues have been raised by local residents, including, amongst other matters, in respect of land ownership matters, and the construction of the development which would be attached to the side wall of Nos 1 and 2 Layton Court where there are existing flues on that external wall, as well as how the construction would be undertaken. However, all these matters would either be addressed under other legislation or, if no other matters were of concern and planning permission were to be granted, would be the subject of conditions, for example in respect of the management of the construction process. They do not therefore affect the conclusions I have reached under my main issues.
24. The Appellant has referred to the Officer's report to Committee which recommended the application for approval, but the Council is not duty bound to follow the recommendations of its officers and it refused the application, and it is this decision which is before me. The Council has also provided a full appeal statement to address and substantiate each of its reasons for refusal.

Planning Balance and Conclusion

25. The Council has not sought to dispute that it is unable at the present time to demonstrate a five year supply of deliverable housing land. Accordingly, paragraph 11(d) of the Framework is engaged.
26. When judged against some of the core planning principles the proposal would perform well in that it would be generally well located, with good access to facilities and services. In terms of its component dimensions, there would be a very modest social and economic benefit in the provision of one additional residential unit of a modest size for which there is an identified need. The proposal would respect the character and appearance of the local area and would provide satisfactory living conditions for future residents in terms of the provision of private amenity space. However, the absence of harm in respect of these two issues does not add weight in support of the proposal; they are neutral in the planning balance. The issue relating to an affordable housing contribution would appear capable of being resolved, were no other matters at issue and planning permission were to be granted, but at the current time with matters unresolved no weight can be added in support of the scheme in the planning balance.
27. However, I have found that the proposed development would materially harm the living conditions of existing residents in terms of adding to the parking stress in the local area. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development for which there is a presumption in favour. The conflict with the development plan is not outweighed by other considerations including the Framework.
28. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR