



Appeal Decision

Site visit made on 29 February 2024

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

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2024

Appeal Ref: APP/K3605/W/23/3323526

71 High Street, Walton-on-Thames, Surrey KT12 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Atwal against the decision of Elmbridge Borough Council.
 - The application ref is 2022/0524.
 - The development proposed is to demolish existing residential structures on existing flat roof at first floor level and construct new 3 storey apartment development maintaining existing access points.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. The main parties have had the opportunity to comment on the relevance of the revised Framework within any final comments. I have determined the appeal in light of the representations made and the revised Framework.
3. A cover letter from 'Right of Light Consulting' has been submitted in support of the appeal. The letter provides additional information in relation to the Council's second reason for refusal, which relates to the living conditions of the neighbouring building. The Council has confirmed that this is sufficient to overcome this reason for refusal. This is reflected in the main issues set out below.
4. My attention has been drawn to planning permission at the appeal site for internal alterations to create 3 flats from 2 existing flats with alterations to the fenestration on Winchester Road. No plans or further details of this permission have been provided. However, it is understood that this permission relates to the flats at the front of the site and therefore does not affect the scheme before me.
5. A completed agreement made under s106 of the Town and Country Planning Act 1990 was submitted on the 8 March 2024. This would secure an off-site affordable housing contribution of £67,555.00 and addresses the Council's fourth reason for refusal. This is reflected in the main issues accordingly. As a potential benefit to the scheme, this is explored further within my reasoning below.

Main Issues

6. The main issues are:

- the effect of the development on the character and appearance of the area, and
- whether the proposal would provide a suitable standard of accommodation for future occupiers, with regard to layout and access.

Reasons

Character and appearance

7. The appeal site comprises a corner plot at the junction of the High Street and Winchester Road, within the town centre. The appeal building has a commercial unit at ground floor with residential flats above. Winchester Road is primarily residential in character, although Walton Baptist Church to the rear of the site is an exception to this. The area is characterised by brick-built buildings with traditional pitched roofs, the existing building at the appeal site conforms to this character.
8. The scale and proportions of buildings along Winchester Road are generally limited two storeys, and therefore appear secondary in scale to the High Street and the buildings which front onto it. In the case of the appeal scheme, the rear portion of the building which lies adjacent to Winchester Road, is subordinate in scale to the buildings frontage, thereby reflecting this character.
9. The proposal would be visible in views from Winchester Road, Colby Road and the High Street. The proposed extensions would result in a substantial increase in the scale and bulk of the rear portion of the building. Whilst there would be set down in the height of the building compared with its frontage, this would be minimal. Similarly, although there is a slight break in the bulk of the building through a setback, this would do little to mitigate against the prominence of the 4-storey building which would extend a considerable depth.
10. The proposal, including its roof, would be prominent in views from Winchester Road, Colby Road and the High Street. The resulting proportions of the building would visually compete with the primary frontage of the building onto the High Street and would appear unduly dominant. There is physical separation between the rear of the building and the residential areas, and there is an intervening building in the form of the Church. However, the proposed increase in scale from the adjacent residential areas to the appeal site, would be substantial. This would lead to an uncomfortable transition and would appear wholly out of keeping.
11. The proposed crown roof would appear at odds with the traditional pitched roof forms which characterise the surrounding area. The addition of gable dormers would also do little to conceal the form and bulk of the roof behind. There would be a harmful juxtaposition between the crown roof form and the traditional pitched roof dormers. The glazed corner of the building is a strident feature which would further add to this prominence.
12. The proposed materials include a combination of render and brickwork, with horizontal banding. This results in a fussy appearance to the elevations that

would harmfully contrast with the simple palette of materials and detailing seen on surrounding buildings.

13. The building lies within the Town Centre boundary. Such areas can be appropriate for higher density development. Policy CS3 of the Elmbridge Core Strategy 2011 (CS) advises that "sites within the town centre will be considered for high density mixed-use developments". However, it also requires development to be high quality and "to add to the centre's attractiveness". As I have identified harm in terms of the scale and appearance of the building, the proposal fails to achieve this.
14. My attention has been drawn to a number of existing larger buildings located to the rear of the High Street. Churchfield House, is a substantial and lengthy flatted building which extends rear of the High Street. This sits within the grounds of a commercial premises and does not front directly onto a public street scene. There is limited detail before me as to the built form that existed previously on that site. As such, whilst it is visible from nearby roads, including Winchester Road, its effect is not directly comparable with the appeal site.
15. Case House is another example of a larger existing building, situated to the rear of the High Street. This building is located in a less prominent position than the appeal site and is separate from the residential areas to the rear. It is clear this is a well-established building which is likely to have pre-dated current planning policies in place. In any event, the above buildings are each unique in terms of their scale and visual appearance. They are not typical of the scale of buildings in the wider area and their presence does not mean it is appropriate to replicate them elsewhere.
16. In close proximity to the appeal site lies a pitched roof 4-storey building, at numbers 81-83 High Street. Unlike the appeal scheme, it incorporates a pitched roof. The overall bulk and mass of the building is much reduced from that proposed. Therefore, the presence of this building does not persuade me that the design and appearance of the appeal scheme would be acceptable.
17. In respect of 73 and 77 High Street, these developments are significantly smaller than the proposed scheme and are not comparable. The scheme at 7 & 9 Ashley Road is located on a corner plot edged by Ashley Road and the High Street, and its surroundings are characterised by much more varied built form than the appeal site. As such, this does not appear to be directly comparable to the scheme before me.
18. There is an opportunity to improve the appearance of the rear portion of the building. However, for the reasons set out above the appeal scheme would not achieve this.
19. For the above reasons, I conclude that the proposal would have a significantly detrimental effect on the character and appearance of the area. Hence, it would conflict with policy DM2 of the Elmbridge Development Management Plan 2015 (DMP) and policies CS3 and CS17 of the CS together with guidance contained in the Design and Character Supplementary Planning Document. These policies and guidance require, amongst other matters, that development is of a high-quality design which integrates sensitively with the locally distinctive townscape.

20. It would also conflict with the aims of the Framework. This seeks, amongst other considerations, to achieve well-designed and beautiful places through developments that are visually attractive and sympathetic to local character.

Standard of accommodation

21. The existing flats in the building are accessed via a staircase and first floor walkway adjacent to Winchester Road. The appeal scheme would retain the access, with the windows and balconies to the proposed first floor flats (flats 3 and 4) fronting directly onto it.
22. Privacy for the future occupiers of flats 3 and 4 would be very limited, given the proximity and relationship with the adjacent walkway providing access to the existing flats. The windows and balcony fronting the access, would be the only external outlook for the flats. The proposed sandblasted glass balustrades would also be too low to prevent intervisibility. Due to this relationship, the use of the access is also likely to result in potential for noise and disturbance to occupiers of the flats. As such, given the lack of any physical separation between the windows and the access, as well as these being the sole outlook, the effect would be an unacceptable standard of accommodation for future occupiers.
23. Town Centre locations such as the appeal site, are busy environments where one would expect a greater extent of overlooking and the number of flats served by the access would be low. Furthermore, I appreciate that ground floor flats in central locations often face directly onto public roads and, in such cases, the level of privacy could be lower than that proposed. However, in the absence of any specific examples, particularly detailed floor plans, I am not able to consider how these would compare with the appeal scheme. Even if I were to accept similar relationships did exist, it does not follow that a harmful relationship should be replicated here.
24. My attention has also been drawn to a similar arrangement with the existing first floor residential accommodation, where the same access passes by habitable room windows. However, in that case, the flat is served by additional windows thereby enabling higher levels of privacy in some rooms.
25. The internal room layout for flats 6 and 9 includes modest bedrooms with a restrictive shape, which would in turn limit options for furniture positions. Nonetheless, these rooms would accord with the relevant space standards and could accommodate bedroom furniture. As such, there is no substantive evidence before me that the room shape would be harmful for future occupants.
26. Despite my findings in relation to the internal room layout for flats 6 and 9, the privacy issues arising from the wider layout and access arrangements for the proposed development mean that I am not able to conclude that a suitable standard of accommodation would be provided for future occupiers. The proposal would therefore conflict with DMP policy DM10 which requires new housing to preserve the privacy and amenity of existing and future residents. The proposal would also conflict with the requirements of the Framework which include providing a high standard of amenity for existing and future users.

Other Matters

27. The appeal site is located on the opposite side of the road to the grade II listed war memorial¹. In line with the statutory duty set out in s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The war memorial is significant for its architectural qualities, being an elegant memorial and its historical interest, providing a reminder of the sacrifices made during the first world war.
28. The appeal scheme would not extend the building any closer to the memorial, with the footprint remaining unchanged. There is intervening built form between the proposal and the memorial, in the form of the road and the existing host building. Therefore, the setting of the war memorial would be preserved and its significance as a designated heritage asset would not be affected by the appeal scheme. I also note that the Council did not identify any harm to its setting.

Planning Balance

29. The proposal would provide nine new dwellings, which would make a valuable contribution towards the supply of housing in the Borough, which has higher than average house prices. It would also contribute towards the government's target to significantly boost the supply of homes. The additional houses would specifically contribute towards an identified need for smaller homes. I am mindful of the emphasis in the Framework on giving substantial weight to the value of using suitable brownfield land within settlements for homes.
30. The contribution towards off-site affordable housing, which would have been secured if I was allowing the appeal, would have been modest. Nonetheless, given the clearly identified need for affordable housing in the Borough, this is a considerable benefit in favour of the appeal scheme. The construction of the proposed development would deliver temporary economic benefits. The delivery of an additional dwelling would result in additional spending within the area. The proposal would provide financial contributions to local infrastructure in line with the Community Infrastructure Levy, to avoid a burden on local services and infrastructure. Given the above, there are clear social and economic benefits that weigh in favour of the appeal, to which I attach considerable weight.
31. The scheme would be acceptable in terms of the principle of development, living conditions except for two of the flats, refuse, parking, highway safety, biodiversity, drainage and flooding. However, the absence of harm in these respects is a neutral matter.
32. The Local Plan dates from 2011, but the weight to be attached but the weight to be attached does not hinge on its age. Paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
33. The aims of policy CS3 in respect of support for higher density development within town centres, aligns with the Framework aim of making the best and most appropriate use of land. Similarly, the aims of CS17 of the CS and DM2 of the DMP in terms of requiring development to be of a high-quality design, which integrates sensitively within its surroundings, align with the

¹ List Entry Number 1432721

- requirements of the Framework to create high quality, beauty and sustainable buildings and that development should be visually attractive. I therefore attribute substantial weight to the conflicts with these policies.
34. The requirements of DM10 to preserve the privacy and amenity of existing and future residents, broadly aligns with the requirement of the Framework for new housing to provide a high standard of amenity for existing and future users, although the wording of the Framework sets a higher threshold than that contained within DM10. Nonetheless it carries a high degree of consistency and I attribute significant weight to the conflict with this policy. Given the above conflicts, the proposal would be contrary to the development plan as a whole.
35. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, as its supply stands at 4.36 years. The shortfall is considered to be relatively modest. As such, paragraph 11dii of the Framework applies. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.
36. The identified benefits associated with the delivery of nine residential units, given the Council's housing supply position, would be significant. However, 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.
37. Given the adverse impacts by way of 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. Furthermore, as a result of the poor standard of accommodation for future occupiers the scheme falls short of providing a high standard of amenity for existing and future occupiers. Cumulatively, these harms carry substantial weight.
38. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in this case when assessed against the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. On this basis, I conclude that the appeal should be dismissed.

R Lawrence

INSPECTOR