
Appeal Decision

Site visit made on 29 May 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 JUNE 2024

Appeal Ref: APP/K3605/W/23/3332362

Land at 108 Palace Road, East Molesey, Surrey KT8 9DU

- 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 Michael Wilson against the decision of Elmbridge Borough Council.
 - The application Ref 2023/1188, dated 20 April 2023, was refused by notice dated 28 September 2023.
 - The development proposed is detached two-storey house with associated parking, new access, cycle store and landscaping following partial demolition of existing house and outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a detached two-storey house with associated parking, new access, cycle store and landscaping following partial demolition of existing house and outbuilding at Land at 108 Palace Road, East Molesey, Surrey KT8 9DU in accordance with the terms of the application, Ref 2023/1188, dated 20 April 2023, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is whether or not the development would make an efficient use of land.

Reasons

3. The appeal site is located within an established residential area, adjoined by Palace Road to the north and Parsons Mead to the south. The proposed dwelling would be sited on the existing side garden to 108 Palace Road and would be adjoined by 6 Parsons Mead to the west. The main parties advise that the site is located within the East Molesey Kent Town Conservation Area (the CA).
4. The Council's CA Appraisal describes the area including Palace Road as having a wide, almost boulevard, low density character, with houses set back from the roadside to an almost consistent building line. Whilst the site is at the western edge of the CA, Palace Road, in the vicinity of the site, is characterised by spacious 2-storey housing set in generous grounds along a tree lined street. The low density, leafy character of the CA is readily perceived when travelling along Palace Road towards the site.

5. Policy CS17 of the Elmbridge Core Strategy, July 2011 (the Core Strategy) identifies the requirements for new development relating to local character, density and sustainable design. The policy seeks to achieve an overall density of 40 dwellings per hectare (dph) across the Borough and a minimum density of 30 dph. The Council advises that the application site has an area of 0.0439 ha and that the proposal would result in a site density of 22.79 dph. The appellant does not dispute that the development would result in a site density below the 30 dph minimum referred to by Policy CS17.
6. Paragraph 129 of the Framework supports decisions that avoid homes being built at low densities, seeking to ensure that developments make optimal use of the potential of each site. Framework paragraph 130, however, goes on to state that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area.
7. It is not unusual for some tension to be found in planning policies when applied to a specific proposal and location. The explanatory text to Policy CS17 acknowledges that, 'increasing densities has to be treated sensitively in order that the character of the local area is not threatened through the introduction of inappropriate development.' To address this concern, Policy CS17 provides that, 'in exceptional circumstances, where overriding harm to the valued character of area would occur as a result of the application of the minimum density threshold, development at a lower density, which maximises the efficient use of land, may be acceptable.'
8. In alleging that the appeal proposal fails to make efficient use of the land, the Council asserts that it is possible for buildings to be designed to appear as houses but contain smaller flatted dwellings. The CA Appraisal, however, advises that flat blocks, or a series of houses in short terraces but built as a single building, have had a detrimental impact on the sensitive grain and scale of the CA. To avoid harm to the character and appearance of the CA, any alternative proposals for the site would need to respect its identified low-density character. As such, it would be difficult to achieve a higher number of dwellings on the site without harming the character and appearance of the CA. There are no such alternatives before me, nor were they before the Council when it made its decision.
9. The dwelling at no 108 currently sits in a larger than average plot in comparison to nearby dwellings on Palace Road. The Council accepts that the proposed dwelling would sit comfortably between the buildings either side and that the dwelling's appearance, architecture and materials would not be out of place in the street scene. I see no reason to disagree. The scale, layout, appearance and density of the development would preserve the character and appearance of the CA, appropriately balancing the need to maximise the efficient use of the land whilst avoiding harm to the valued character of the area.
10. Overall, although the development would not meet the 30 dph density target, it would deliver additional housing, supporting the development of under-utilised land, in a manner that integrates sensitively with the locally distinctive townscape. As such, development at the density proposed is acceptable and represents an efficient use of land in accordance with Policy CS17 and the provisions of the Framework in this regard.

Conditions

11. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant plans and documents as this provides certainty (2).
12. To protect the character and appearance of the area, including the Conservation Area, conditions securing appropriate finishing materials (3), landscaping (6), and removal of permitted development rights (12) are necessary.
13. In the interests of ecology, a condition ensuring appropriate enhancement of biodiversity is necessary (4).
14. In order to prevent increased risks of flooding, and in the interests of the principles of sustainable drainage, a condition is necessary to ensure the appropriate surface and foul water drainage of the site (5).
15. In the interests of highway safety, it is necessary to have conditions securing appropriate access provision (7, 8, 9).
16. In the interests of sustainable development, and to promote sustainable transport choices, a condition securing an electric vehicle charging point is necessary (10).
17. A condition securing obscure glazing in upper floor flank windows is necessary to protect the living conditions of adjoining occupiers (11).

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, indicate otherwise. The proposal would accord with the development plan when read as a whole. There are no other considerations that would lead me to depart from determining the appeal in accordance with the development plan.
19. For the reasons above, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Appeal Ref: APP/K3605/W/23/3332362
Land at 108 Palace Road, East Molesey, Surrey KT8 9DU

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details unless otherwise required by the conditions below:
 - Proposed Site Plan - PEW.2.1 Rev C
 - Proposed Street Scene - PEW.2.2 Rev A
 - Location Plan – PEW.2.3 Rev C
 - Proposed Ground Floor Plan - PEW.2.4 Rev B
 - Proposed First Floor Plan - PEW.2.5 Rev B
 - Proposed Roof Plan - PEW.2.6
 - Proposed Front Elevation - PEW.2.7 Rev B
 - Proposed Rear Elevation - PEW.2.8 Rev B
 - Proposed Left Hand Elevation - PEW.2.9 Rev B
 - Proposed Right Side Elevation - PEW.2.10 Rev B
 - Proposed Section A-A - PEW.2.11
 - Proposed Section B-B - PEW.2.12
 - Proposed Garden and Cycle Store - PEW.2.13 Rev B
 - Rev B Proposed Loft Plan - PEW.2.14
 - Existing Site Plan - PEW.1.1 Rev B
 - Buildings to be demolished - PEW.1.2
 - Flood Risk Assessment
 - Vehicle Swept Path
 - Construction Management Plan
 - RPA Plan - PEW.2.1 T Rev C
- 3) No development excluding demolition and groundworks shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.
- 4) No development above slab level shall begin until a detailed Biodiversity Enhancement Scheme (BES), based upon the recommendations set out within the submitted Preliminary Ecological Assessment (dated June 2023), has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the development hereby permitted being first occupied and the enhancements shall be retained thereafter.
- 5) No development above slab level shall begin until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved drainage plans prior to the development hereby permitted being first occupied.

- 6) No development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) a statement setting out the design objectives and how these will be delivered;
 - b) soft landscape works including planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment);
 - c) boundary treatments;
 - d) hard surfacing materials;
 - e) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 7) No development above slab level shall begin until full details of the vehicular crossover access, including its construction, materials, alignment, levels, and drainage, have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be first occupied until the vehicular access crossover has been constructed in accordance with the approved details.
- 8) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles and bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 9) The development hereby permitted shall not be first occupied unless and until a pedestrian inter-visibility splay of 2m by 2m has been provided on each side of the hereby permitted dwelling's vehicular access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 10) The development hereby approved shall not be first occupied until a scheme for an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the dwelling being first occupied and shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority.
- 11) Prior to the first occupation of the development hereby permitted, the upper floor windows in the flank elevations labelled as obscure glazed on the approved plans shall be glazed with obscure glass only and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The development hereby permitted shall be permanently maintained as such at all times thereafter.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 Part 1 shall be undertaken to the dwelling hereby approved without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:- Class A (extensions and alterations); Classes B and C (roof additions or alterations to the roof); Class D (porch); Class E (buildings etc. incidental to the enjoyment of a dwellinghouse); Class G (chimney, flue or soil and vent pipe); and Class H (microwave antenna).