



Appeal Decision

Site visit made on 11 June 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/K3605/W/23/3324192

3 Beacon Mews, South Road, Weybridge KT13 9DZ

- 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 Daniel Goggin against the decision of Elmbridge Borough Council.
 - The application Ref is 2022/3403.
 - The development proposed is a first-floor extension to create additional flat with access to external amenity space and associated refuse and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development has been taken from the appeal form rather than the application form as it provides a more accurate description of the development shown on the submitted plans.
3. The fifth reason for refusal on the Council's decision notice relates to the absence of a legal agreement in relation to the provision of affordable housing. The Council, through its statement of case, has confirmed that it no longer seeks to defend this reason for refusal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of the host dwelling and neighbouring properties, in relation to car parking provision, outlook and light;
 - whether or not the proposed development would provide adequate cycle parking; and
 - whether or not the proposed development would provide adequate waste and recycling facilities.

Reasons

Living Conditions

5. The appeal site is occupied by a single storey dwelling located in a built up area to the rear of the commercial properties on Queens Road and alongside a number of other residential properties on Queens Road, South Road and

Beacon Mews. The proposed development includes a first floor extension to the property to be occupied as a self-contained one bedroom flat.

6. The Elmbridge Parking Supplementary Planning Document (SPD) recommends one car parking space for 1 bed residential units in town centre/edge of centre locations. However, no car parking spaces have been provided for the proposed flat and the appellant states that the proposal would be a car free development. Whilst the appeal site appears to be in a sustainable location, in close proximity to services, facilities and public transport, this would not prevent the future occupier of the proposed dwelling from owning a private vehicle. Therefore, it is reasonable to assume that the future occupier and their visitors may use the surrounding roads for car parking.
7. On-street parking is possible in some of the surrounding roads. However, spaces are limited and there is a high demand, as many of the surrounding properties do not benefit from off-road car parking provision. A permit is also required in some locations. There is a public car park in nearby York Road, however this is subject to a fee and not suitable for regular residential car parking. Therefore, although the need for on-street car parking provision from the proposed development may be small, any additional car parking requirement would add on-street car parking stress to the surrounding area.
8. The increase in parking pressures in the surrounding area, identified above, would be likely to reduce the current levels of on-street car parking for the occupiers of neighbouring dwellings, particularly on South Road where parking provision is extremely limited. As such, this would have a detrimental impact on their ability to park near their property, as most neighbouring dwellings do not benefit from off-road parking provision, and as a result would have a detrimental impact on their living conditions.
9. Other car free developments which were granted planning permission, as highlighted by the appellant, are noted. However, these developments are different from the proposal before me and therefore they do not set a precedent in this instance.
10. The first floor would sit above the entire existing ground floor, resulting in a loss of the rooflights which serve the kitchen/living area of the existing ground floor property. Instead, the proposal includes an increase in the size of the ground floor window on the side elevation and an additional window on the rear elevation facing the stairwell, along with a fully glazed front door. These would serve the kitchen/living area of the existing ground floor property. However, the enlarged window would be located in close proximity to a boundary wall and the new window would be adjacent the proposed staircase. Therefore, the amount of light the kitchen/living area would receive would be limited and would not satisfactorily address the loss of the existing rooflights.
11. The proposed first floor extension would be located adjacent to a large outdoor terrace at 87a Queens Road, which is located at first floor level. However, due to the pitched roof design of the proposed extension and a good separation distance between the two properties, it would not have a significant impact on the outlook from this terrace or the light which it receives.
12. Nevertheless, for the reasons above, the proposed development would harm the living conditions of the occupiers of the host dwelling and neighbouring properties, with regard to car parking provision and loss of light. It would

therefore conflict with the relevant sections of Policies DM2 and DM7 of the Elmbridge Local Plan Development Management Plan 2015 (the DMP). These policies, amongst other things, seek to ensure that development proposals protect the amenity of adjoining occupiers and that parking provision is appropriate to the development and should not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents.

Cycle Parking

13. The Elmbridge Parking SPD states that 1 cycle parking space should be provided for 1 and 2 bedroom units. It goes on to state that cycle storage identified in habitable rooms, general storage areas, bin stores, circulation areas or on balconies will not be considered acceptable.
14. The Council has indicated that for the existing ground floor property at 3 Beacon Mews, the cycle parking provision was shown within the courtyard. In the proposed development this area would be occupied by the stairwell for access to the first floor flat. Therefore, cycle parking for the existing ground floor flat would be lost and would need to be accommodated elsewhere.
15. The proposed development shows cycle parking provision for both ground floor and first floor flats within the existing outdoor bin store that serves No.2 and No.3 Beacon Mews. This is contrary to the guidance within the SPD detailed above. Whilst the bin store is a relatively large area, it would be unrealistic for this area to accommodate cycle parking for at least two properties along with sufficient waste storage for three properties. Furthermore, the area is not covered and it has not been demonstrated how bikes could be securely stored here.
16. Therefore, the proposed development would not provide adequate cycle parking and would conflict with Policy DM7 of the DMP which states that cycle stores should be integrated into the scheme. It would also conflict with the Elmbridge Parking SPD as outlined above.

Waste and Recycling

17. The proposed development would include waste and recycling storage within the existing bin store for No.2 and No.3 Beacon Mews. Whilst no calculations have been provided to demonstrate that the existing bin store could accommodate the additional waste from the proposed development, the existing bin store is a large area and waste and recycling from a one bedroom property would be limited.
18. The Council also indicate that it is in excess of the required 10 metres maximum distance for bin collection. However, the bin store would not be a new addition to the site and already adequately serves two properties. It is therefore likely that bin collections already take place in this location.
19. As such, the proposed development would provide adequate waste and recycling facilities and would comply with Policy DM8 of the DMP which seeks to ensure that appropriate waste and recycling facilities are provided on all new developments.

Other Matters

20. The Council has stated that they do not have a five year supply of deliverable housing. However, as they have an emerging local plan, which has been submitted for examination, paragraph 226 of the Framework applies. This states that the Council is required to identify 4 years' worth of housing against the 5 year requirement. The Council indicate that they can demonstrate 4.58 years of deliverable housing and therefore has a four year supply of housing land in line with paragraph 226. As such, paragraph 11(d) of the Framework is not engaged. The appellant contends that the proposed development addresses the Council's identified need for housing. However, the addition of a single dwelling would not outweigh the harm previously identified in this instance.
21. The Council and appellant agree that the proposed development would not harm the character and appearance of the host property and the surrounding area. However, this lack of harm is a neutral factor which does not weigh in favour of the proposed development.
22. The Council state that the appeal site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA) and that a financial contribution towards strategic access management and monitoring is required. Policy CS13 of the Elmbridge Core Strategy (2011) seeks to ensure that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The lack of any legal agreement to secure a contribution has been included as a reason for refusal.
23. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, no further evidence has been provided to me on this matter and regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

24. Whilst the proposed development would provide adequate waste and recycling facilities, it would not provide adequate cycle parking and would harm the living conditions of the occupiers of the host dwelling and neighbouring properties with regard to car parking provision and loss of light. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR