



Appeal Decision

Site visit made on 1 July 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/K3605/W/23/3329266

19 Old Esher Road, Hersham, Walton-on-Thames KT12 4LA

- 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 Dawes Green Developments against the decision of Elmbridge Borough Council.
 - The application Ref is 2023/0873.
 - The development proposed is pair of semi-detached two-storey houses with new vehicle access, parking, bin and cycle storage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published following the Council issuing its decision. The main parties have had the opportunity to comment on the revised Framework during the course of the appeal.
3. During the course of the appeal, the Council confirmed that it could now demonstrate the required supply of deliverable housing land. The appellant has not disputed this, and I have determined the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - highway safety; and
 - whether the proposal should be liable for a contribution towards affordable housing.

Reasons

Character and appearance

5. The appeal site is located on Old Esher Road and comprises the side and rear garden of a two-storey dwelling (No 19) and a grassed verge area to the front. It occupies a prominent corner plot next to the road junction of Old Esher Road and Mole Road. The appeal site is most visually associated with No's 19, 17 and 15 Old Esher Road. No's 15 and 17 are also two-storey residential properties. These three properties are set back from the street behind modest front gardens/drives and are evenly spaced along a uniform building line.

6. The immediate area has an established residential character and appearance, with dwellings within the vicinity of the site predominately comprising detached and semi-detached houses with similar setbacks with relatively uniform building lines. This consistency contributes strongly to the character and appearance of the area which also has a spacious feel due to the wide junction and nearby planted area. While planting and fencing form the boundary of the site, these low-level features do not prevent the appeal site from making a positive visual contribution to the spaciousness of the surrounding area.
7. Within the wider area, development is much more varied and includes more modern and larger buildings, including a large supermarket with residential accommodation above. This building and its advertisements can be seen to the rear of the appeal site close to the junction. Despite its visibility in more medium to longer range views the building does not substantially detract from the residential and uniform character of the area.
8. There is no dispute between the main parties that the development would be of an appropriate density. Nonetheless, the proposed pair of semi-detached dwellings would result in a significant amount of built development within the garden and verge areas. The layout, position and amount of proposed boundaries, bike/bin stores and parking areas, would also exacerbate the built form and massing of the proposed dwellings within the site. The appeal scheme would therefore erode the positive contribution the undeveloped garden and verge makes to the character and appearance of the area. As a result, the proposed development would appear cramped and incongruous within its context.
9. Materials to be used on external elevations could be conditioned to assimilate with those found in the surrounding area. However, the staggered flank wall design and two-storey projecting gable features do not replicate other properties in the immediate area. This would result in an uncharacteristic addition to the street scene appearing at odds with the surrounding built form.
10. Moreover, as a result of its location sitting forward of No's 19, 17 and 15, the introduction of the dwellings would appear as an incongruous addition within the street scene. Even with a short projection this awkward projection would be particularly evident to those travelling from the junction at Mole Road and along some views on Old Esher Road.
11. The appellant has brought my attention to the neighbouring property to the south, Harrison House. While this property sits close to the road with a projecting gable it is located on a section of road on its own. This would be in contrast to the appeal property which would be seen as an extension to the row of properties along Old Esher Road.
12. The appellant has also suggested that the introduction of the dwellings in this location would be a visual improvement over the more longer-range views of the supermarket building beyond. However, the presence of harmful development does not justify allowing further harmful built form.
13. For the above reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. It would therefore fail to accord with Policies CS5 and CS17 of the Elmbridge Borough Council Core Strategy (ECS), Policy DM2 of the Elmbridge Development Management Plan (EDMP) and the Elmbridge Design & Character

Supplementary Planning Document. These seek amongst other things, that development is well-designed, of a high quality and preserves or enhances the character of the area. The proposal would also conflict with the aims of the Framework and the National Design Guide. This guidance, amongst other things, seeks to ensure development maintains and is sympathetic to local character.

Highway safety

14. My site visit took place in midday on a weekday. While this can only represent a snapshot in time, a good amount of on-street vehicle parking was widely available in the vicinity of the appeal site. In addition, I saw how there are a number of parking restrictions in close proximity to nearby junctions, including double yellow lines. Some of these yellow lines ran from close to the proposed parking for unit two up to the junction.
15. I also observed that the proposed access appeared to have previously been in use and mirrored a similar relationship with parking associated with Harrison House. With the exception of views from Mole Road down to Old Esher Road from the appeal site, these restrictions, street layout, building lines and low level boundaries allowed for good levels of visibility for both users of the appeal site parking area and other road users, pedestrians and occupiers of Harrison House.
16. The parking layout for unit one would be in a tandem arrangement. The Council's concern in relation to this main issue is that in order to achieve acceptable levels of visibility there would be a need for visibility splays to extend out of the application site and utilize neighbouring land, belonging to Harrison House for unit one.
17. The proposed scheme would likely result in an increased number of movements and therefore a greater level of use of the unit one parking area. However, the increase in movements would be relatively low and users of the parking space would likely be travelling at low speeds and the width of the space with the proposed visibility splays would be wide enough with sufficient levels of visibility to provide a safe form of access and egress onto Mole Road.
18. Additionally, I have been presented with no evidence to indicate that the existing parking space arrangement at Harrison House is likely to change. Given that any new boundary treatments would be likely to impinge on the visibility of vehicles entering and exiting the parking space at Harrison House I find this relationship is unlikely to change. Moreover, I have not been provided with any cogent evidence the existing use of the access for No 19 has resulted in any accidents to indicate there is an existing issue with how vehicles enter and exit the site already. If I had been minded to approve the appeal scheme, a suitably worded condition restricting the height of any additional boundary treatments would have been necessary to ensure visibility is retained.
19. Therefore, subject to a condition on boundary treatment details/heights, the proposed development would not harm highway safety and would accord with Policy DM7 of the EDMP and CS25 of the ECS. Together these seek access to and from the highway to be safe and convenient for pedestrians, cyclists and motorists. It would also accord with the provisions of the Framework in so far as it relates to highway safety.

Affordable housing

20. Policy CS21 of the ECS requires that for a development financial contribution equivalent to the cost of 20% of the gross number of dwellings on sites of 1 – 4 dwellings should be provided. Based on the appeal submissions provided by the main parties there is no evidence to suggest that the site should not be in principle liable for a contribution towards affordable housing.
21. The appellant's submission indicates that the proposed development is not sufficiently viable to make a financial contribution equivalent to the cost of 20% of the gross number of dwellings on site. The Council disputes the figures presented by the appellant. While I have regard to the dispute, the Council's evidence states that a subsequent application¹ for a development similar to the appeal scheme, albeit with a reduced number of bedrooms to unit one has been approved. The evidence before me indicates that this was subject to a contribution toward affordable housing of £38,745.00.
22. Therefore, on the basis of the evidence presented, the appeal scheme has failed to demonstrate it would not be viable to offer contributions towards affordable housing in light of a similar albeit smaller scheme being able to do so. For this reason, it would conflict with Policy CS21 of the ECS which indicates that affordable housing will be required where viable.

Other Matters

23. There is a broad agreement between the main parties that given wider surrounding land designations there is limited brownfield land for development in the borough. As such, what is available faces pressure to be developed. This in turn is likely to have resulted to some extent in the price of dwellings in the area being high, but this is reflective in part of the lack of supply. Nonetheless, the Council can now demonstrate an up-to-date housing supply position, which demonstrates there is sufficient space available for new dwellings.
24. There is also agreement with the main parties that residential development in this general location is acceptable in principle and the proposal complies with various other development plan provisions, including density. It is also acknowledged that no neighbouring objections have been received. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
25. There would be benefits to the supply of this type of housing, benefits from a relatively quick build-out, and benefits to the local economy from the build and occupation of the properties in what is a sustainable location. However, given the scale of the scheme these benefits, even when combined would not outweigh the harm I have identified.
26. The appellant undertook revisions to a previously refused development on the site. However, I have determined the scheme on its own merits and found harm for the reasons set out.

Conclusion

27. The proposal would not have a harmful effect on highway safety. However, this would be a lack of harm and thus neutral. The proposal conflicts with the

¹ Ref: 2023/2366

development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR