



Appeal Decision

Site visit made on 20 November 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/K3605/W/24/3346782

6 Kings Warren, Oxshott, Surrey, Leatherhead KT22 0PE

- 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 Jamie Roberts against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/0366.
 - The development proposed is detached three-storey house and new access following demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal has been dismissed for a detached three-storey house with detached garage and new access on this site¹ (The 2023 scheme). The proposed development has changed from this proposal including a reduction in height, massing at first floor and above and omission of a detached garage amongst other things and it is different from the 2023 scheme. Nevertheless, I have had regard to this decision insofar as it is relevant to the appeal scheme.
3. A Unilateral Undertaking (UU) has been submitted which includes mechanisms which seek to contribute towards affordable housing. I will return to this matter later in this decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and whether the proposed development would make adequate provision for affordable housing.

Reasons

Character and Appearance

5. The appeal site is within the Crown Estate where, the Council's Design and Character SPD 2012 identifies that it is characterised by houses set within very large plots with a landscaped street scene. It goes on to state that the areas are essentially defined by their very low density, and Policy CS17 of the Core Strategy (2011) (CS) specifically identifies the Crown Estate as a special low density area, and I agree with these findings.

¹ Ref: APP/K3605/W/22/3303891

6. Kings Warren is characterised by substantial houses set back from the road in very large plots. There are some ground floor additions to the properties and therefore separation is greater at first floor and above. Nevertheless, there is also substantial separation between buildings at ground floor. Whilst there is screening to boundaries, the extent of the properties and their grounds are visible. These features therefore contribute to a loose knit pattern of development and attractive sense of spaciousness which are important characteristics of this area.
7. 6 Kings Warren is a large property with a generous garden on a notable incline with significant separation from neighbouring buildings, albeit it is the smallest plot along Kings Warren. The appeal site therefore makes a positive contribution to these important features.
8. The appeal scheme would subdivide the grounds at 6 Kings Warren and would introduce a new house and garden on the northern part of the plot alongside the bend in the road. Due to the change in land levels the proposed dwelling would appear as a three storey property to the north-east elevation with a projecting flat roof ground floor element and with the upper floor set into the substantial roof slope, and a two storey property to the south-west with a set back at first floor. The front elevation would generally be two storeys with an extended catslide roof to the side and a single storey addition beyond this.
9. The proposed dwelling and plot size would be clearly smaller than others in the road. In addition, within this limited plot, the proposed dwelling would extend close to the boundaries of the site. It would be much closer to the road than others on Kings Warren and there would also be limited separation between the proposed house and the host dwelling. There would be substantial bulk and massing at ground floor in close proximity to the boundaries and to the adjacent dwelling. This separation increases at first floor however, it would still be limited in this context resulting in a proximity between the two dwellings at both first floor and ground floor which is at odds with the character of the area.
10. The proposed dwelling would also include a large area of catslide roof to the side elevation, as well as a number of large, flat roofed upper and lower ground floor projections. This large expanse of roofslope is not characteristic of the area. In addition, the extent and appearance of the ground floor additions results in a bulky, unbalanced appearance to the dwelling. These contribute to an irregular and awkward appearance to the proposed house which would be visually jarring.
11. Boundary treatment and landscaping may obscure some views of the proposed building. Nevertheless, its appearance, bulk including ground floors, relationship with 6 Kings Warren and the extent of its grounds would be likely to be perceived, including in glimpsed views through accesses. As such this harm would be experienced.
12. Consequently, overall, the appeal scheme would result in a dwelling which would be visually jarring in this context and a development that would harmfully erode the loose knit pattern of development and important sense of spaciousness that is characteristic of this area. Although the effect would be localised, it would nevertheless result in public and permanent harm to local character. The Inspector for the 2023 scheme commented that 'in isolation, I consider that the plot size, the proximity of the dwelling to its boundaries, and

the limited spacing to No 6, would each have no more than a minor effect on the character and appearance of the area'. However, in common with the 2023 decision there are multiple harms identified with this scheme, including harm regarding the building's appearance which differs from the 2023 scheme. Consequently, taken together, the proposed development would result in unacceptable harm to the character and appearance of this area.

13. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. As such, it would be contrary to Policies CS10 and CS17 of the CS and Policy DM2 of the Development Management Plan (2015) (DMP). Together these require high quality design having regard to local character, including in Oxshott, amongst other things. This is broadly in accordance with the Framework which seeks to achieve well designed places.

Affordable Housing

14. Policy CS21 of the CS requires that, where viable, for this development a financial contribution towards affordable housing equivalent to the cost of 20% of the gross number of dwellings should be provided. However, the policy pre-dates the National Planning Policy Framework (the Framework) which states that affordable housing should not be sought for residential developments that are not major developments. There is a significant shortfall in the delivery of affordable housing in this borough. I am provided with local evidence of affordable housing need, the importance of small sites, and that such contributions are viable and therefore do not place a disproportionate burden on developers. Considering the evidence in this case, the Framework's provisions do not outweigh the development plan in this instance.
15. A UU has been provided which aims to secure a financial contribution of around £67,600 towards the provision of off-site affordable housing. This corresponds with the amount set out in the Officer's Report as being compliant with Policy CS21 of the CS and the Council has confirmed that the submitted document would ensure the affordable housing contribution can be secured.
16. Therefore, the proposed development would make adequate provision for affordable housing. Consequently, the proposed development would comply with Policy CS21 of the CS, the aims of which are set out above.

Planning Balance

17. The Council cannot demonstrate a four or five year supply of deliverable housing sites, and the appellant refers to an appeal decision² which indicates that it has a 3.51 year supply. As such, the presumption in favour of sustainable development contained within paragraph 11 d) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole. Therefore, the policies that are the most important for the determination of the application would be deemed to be out of date. However, this does not mean they would not apply and overall, the proposal conflicts with the development plan as a whole.

² APP/K3605/W/23/3334391

18. The proposed development would result in the social and economic benefits associated with the provision of a single new house, notwithstanding that it would not be a smaller home, for which there is the greatest need in this borough. This would support the Government's aims to boost the supply of homes. Although the appeal scheme would not directly provide any affordable housing, it would make a contribution towards off site provision. This would contribute towards addressing the needs of groups with specific housing requirements. However, taking into account the scale of the development, this results in important but limited benefits.
19. On the other hand, for the reasons set out above the proposed development would result in unacceptable harm to the character and appearance of the area and would not create a high quality building or place, which is fundamental to what the planning process should achieve.
20. As such, the adverse effects would therefore significantly and demonstrably outweigh the limited benefits set out above when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development would not apply in this case.

Conclusion

21. 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. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR