



Appeal Decision

Site visit made on 7 January 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/K3605/W/24/3348746

Land Rear of 78 Sunbury Lane, Walton on Thames, Surrey KT12 2HU

- 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 I Patterson against the decision of Elmbridge Borough Council.
 - The application Ref is 2023/3114.
 - The development proposed is new single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for new single storey dwelling at land rear of 78 Sunbury Lane, Walton on Thames, Surrey KT12 2HU in accordance with the terms of the application, Ref: 2023/3114 and the plans submitted with it, subject to the conditions set out at the end of this decision letter.

Preliminary Matters

2. The Council's first reason for refusal related to the absence of a completed Unilateral Undertaking to make a policy compliant affordable housing contribution to comply with Policy CS21 of the Council's Core Strategy 2011 (Core Strategy). At the appeal stage a signed and dated Unilateral Undertaking has been submitted to make such a contribution. The Council has confirmed receipt of the Unilateral Undertaking which, in its view, satisfies the first reason for refusal. I am also satisfied that the Unilateral Undertaking is acceptable and complies with Policy CS21 of the Core Strategy as well as meeting the tests set out at paragraph 58 of the National Planning Policy Framework (Framework). I shall therefore not address the first reason for refusal further.
3. The application plans appear to have been revised during the application process and my decision is based on the plans as determined by the Council.
4. The Framework was revised in December 2024. I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

Reasons

6. The L-shaped appeal site fronts onto Franklyn Road and comprises the rear sections of former rear gardens to residential properties at Nos 74,76 and 78 Sunbury Lane, and directly abuts the rear of gardens of dwellings in Cambridge Road. It is situated within a predominantly residential area, comprising a mix of housing styles relating to different periods of construction and including two storey detached and semi-detached houses, as well as some terraces and some single storey properties. The Council's Design and Character SPD (SPD) identifies that Walton on Thames is primarily a residential area characterised by its diverse mix of housing types.
7. The proposed development is for a one bedroom dwelling house which would sit centrally within the site with a minimum of 1 m margins to the side boundaries. The front wall would extend close to the front boundary and then step back to allow for one off street car parking space and then follow the shape of the site with amenity space to the rear. The single storey property would have mono-pitch sedum roofs on three levels, with a maximum height of 4.95 m.
8. I have noted that over a period of years, there have been a number of proposals for a single dwelling on the appeal site, including both two storey and single storey properties, all of which have been refused by the Council and three dismissed at appeal. The reasons for refusal appear to include harm to the character and appearance of the local area and / or harm to the amenities of neighbours at adjoining properties. Each proposal must be judged on its individual merits and that has been the basis of my assessment, albeit where details have been provided in respect of some of the earlier proposals, I have taken them into account.
9. There is no objection by the Council to the principle of a new dwelling in this location, given its siting within an existing settlement area. It would secure a small unit for which there is an identified need. The Council has identified that the proposal would result in a density of 83 dwellings per hectare. Policy CS17 of the Council's Core Strategy refers to an overall housing density target of 40 dwellings per hectare but that is to be assessed across the borough. The Council has not considered the density proposed to be unacceptable. In any event, I consider that the calculation of density on its own in respect of one proposed residential unit is of limited application to assess the suitability of the development proposal. Furthermore, development proposals should make the most efficient use of land and that is recognised by the Council.
10. The proposed dwelling would be sited on its own along this side of Franklyn Road between Sunbury Lane and Cambridge Road. Although there is no other built development fronting this part of Franklyn Road on this side, there is built development on the other side of the road, including both bungalows and two storey properties. The development along Franklyn Road is more varied in form and styles than the more consistent patterns of development found along Cambridge Road and Sunbury Lane. The introduction of built development on the appeal site would alleviate the long run of boundary fencing and introduce an active frontage to this part of the street scene.

11. I consider that the design has appropriately responded to the size and shape of the site, whilst ensuring sufficient margins to the side boundaries so that the proposed dwelling would not appear cramped within its plot. The plot would be smaller than some of the surrounding plots, particularly those that benefit from long rear gardens, but given the range of housing and of plot sizes in the locality, I do not consider that the smaller size of the plot, compared with some in the vicinity would, in itself, harm the street scene.
12. Given the separation distances to houses in both Sunbury Lane and Cambridge Road, where there are more regular patterns of development, as well as the broader mix of dwelling styles along Franklyn Road, a more individual approach to the design would be acceptable and indeed this is the approach which has been adopted. The proposed design would be strikingly contemporary. The Framework and Policy CS17 of the Core Strategy also support innovative and imaginative design solutions. Furthermore, the scale and massing of the single storey dwelling would be clearly subordinate to the two storey houses along both Sunbury Lane and Cambridge Road, but at the same time the design approach with the monopitch roofs would add visual interest to the street scene. The range of materials would also include some to complement the materials found in the local area as well as some to reflect the contemporary design approach.
13. I consider that the proposed siting, scale and design of the proposed new dwelling would sit comfortably within the site and would be readily assimilated into the varied street scene. It would be part of the evolving character and appearance of this part of Walton on Thames. I have noted the analysis for the sub area WAL03 in which the appeal site is located, within the Companion Guide to the SPD as well as the detailed analysis undertaken by the Appellant which shows that this general area has continued to evolve from its earlier Victorian development through to more modern twentieth century developments.
14. I do not consider that the proposal would require to be two storeys or of traditional design and follow the form of surrounding properties to fit into the surrounding area. I consider that the contemporary design which contrasts with the more traditional form of the developments in both Sunbury Lane and Cambridge Road would be a successful and appropriate response to the individual nature and siting of the appeal site and respect the street scene.
15. I am therefore satisfied that the proposed development would respect the character and appearance of the local area. There would be no conflict with Policies CS3 and CS17 of the Core Strategy, Policies DM2 and DM10 of the Development Management Plan 2015, the Design & Character SPD 2012 and the Framework with particular regard to Section 12 and the National Design Guide, all of which seek a high quality of design which respects the local context.

Other Considerations

16. I have taken into account the concerns raised by local residents, some of which I have addressed above. Given the distances to surrounding properties together with the scale, overall height and the design of the scheme, including the proposed siting of windows, I am satisfied that there would be no material harm to neighbours' living conditions, including through overlooking and loss of privacy and loss of light. The Council raised no objection in this regard.

17. Given the small scale of the proposal and the provision of one off street parking space, I do not consider that the proposal would materially affect the availability of parking spaces in the local area. Similarly, there is no evidence before me to suggest that this one new dwelling would lead to an increase in traffic and highway safety risks. The Council and the Highway Authority raised no objection in this regard.
18. A number of other concerns, for example in respect of landscaping and the noise from plant within the site would be addressed by the imposition of appropriate conditions to respect the character and appearance of the local area as well as the amenities of surrounding neighbours.
19. The Council and the Appellant have referred to the Council's housing land supply position. However, as I am satisfied that the development would be acceptable and would not conflict with the development plan or the Framework, there is no need for me to consider this matter further.

Conditions

20. In terms of conditions, the external materials require to be submitted and approved to respect the character and appearance of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.
21. Although a landscaping plan has been submitted with the application it lacks details in respect of the proposed elements and I consider that further details are required to ensure it respects the character and appearance of the local area as well as the amenities of neighbouring residents. Similarly, a noise assessment is required in respect of any external plant to respect the amenities of neighbouring residents.
22. A condition requiring a contamination assessment is required in the light of the comments at the application stage by the Council's Environmental Health Officer to safeguard the amenities of future occupiers as well as neighbouring residents. In order to be effective, it is my view that this condition requires to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.
23. To ensure a satisfactory level of parking and cycle provision conditions are required to ensure that these are provided prior to first occupation, although I do not consider it necessary for further details of the EV charging unit to be first submitted

Conclusion

24. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (1- 8 inclusive)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development above ground level shall take place until details and samples of the materials to be used on the external faces and roof of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PA 101 Rev B; PA 102; PA 103; PA 104; PA 105; PA 106 Rev A; PA 107 Rev A.
- 4) Notwithstanding Plan PA 106 Rev A, prior to first occupation of the development hereby permitted, written details and plans of the following landscaping works shall be submitted to and approved in writing by the local planning authority. This scheme shall include:

a) positions, height, species, design, materials and type of boundary treatments;

b) details of the sedum roofs including maintenance;

c) hard surfacing materials;

d) secure and covered cycle storage; and

e) refuse/recycling bin storage and collection.

Development shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted and shall thereafter be maintained.

- 5) The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for a vehicle to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose.
- 6) The development hereby permitted shall not be first occupied unless and until the proposed dwelling is provided with a fast charge Electric Vehicle socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and shall thereafter be retained and maintained.
- 7) No development hereby permitted shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been undertaken and submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the

approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority, prior to commencement of any works on the development hereby permitted.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority.

The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby permitted or such alternative timescale as may be agreed in writing with the local planning authority.

- 8) Prior to the installation of any fixed plant, including an air source heat pump or similar, a noise assessment shall be carried out in accordance with the criteria set out in BS4142:2019 and shall be submitted to and approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2019 Methods for rating and assessing industrial and commercial sound.

Should the assessment identify that mitigation measures are required, then these measures must be submitted in writing to and approved in writing by the Local Planning Authority prior to the installation of the any fixed plant within the site. The works and measures as approved shall be implemented prior to first occupation of the development hereby permitted and thereafter maintained in accordance with that approval.

End of Conditions