Planning Inspectorate

Appeal Decision

Site visit made on 8 July 2025

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JULY 2025

Appeal Ref: APP/K3605/W/25/3361351
30 Copsem Lane, Esher KT10 9HE

- 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 G Coffey against the decision of Elmbridge Borough Council.
- The application Ref is 2021/4149.
- The development proposed is described as development comprising 26 flats with associated bin and cycle stores, parking and landscaping following demolition of existing house.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey detached dwelling which is sat within a generous plot. The front boundary treatment includes a close boarded wooden fence, and there are mature trees and other vegetation within the front garden of the property, which provides the plot with a verdant appearance.

4. Development in the area is varied in design and scale, however the buildings are typically set back from the road within spacious plots behind timber fences, trees and hedges. This, together with the grass verges, creates a leafy and pleasant character to the area around the appeal site.

5. The proposal seeks to replace the existing dwelling with two detached blocks of flats with a two-storey height and roof accommodation. The proposed buildings would be substantial in terms of their width, depth and height. They would have gable features at second floor level and would utilise a large expanse of crown roof. Consequently, the proposal would be of a considerable bulk and mass that would not sit comfortably near the surrounding buildings which in general are not so substantial. Therefore, while the proposed density would be appropriate, the blocks of flats would appear as an abrupt and imposing form of development that would fail to integrate sensitively with the local townscape. The introduction of design elements such as faux chimneys and use of appropriate materials would not address this harm.

6. Because of their excessive bulk and mass, the proposed buildings would occupy most of the width of the plot. As a result, their shape and footprint would appear

contrived, which would contrast with the building footprints of existing buildings and would not help the proposal to fit into its context.

7. Part of the existing landscaping would remain in place, which would provide some screening towards the proposal. While the driveway would create some separation between both buildings, views of their bulk would still be gained through the access when travelling along Copsem Lane, in particular during the winter months when the trees are not in leaf. Therefore, I am not persuaded that landscaping would successfully screen the harmful effect of the proposal in relation to its surroundings to an acceptable degree.

8. The proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy CS17 of the Core Strategy 2011 (CS) and to Policy DM2 of the Development Management Plan 2015 (DMP), which support development of high-quality design that preserves the character of the area and responds to the positive features of individual locations.

Planning Balance

9. The scheme would be acceptable in terms of development requirements including highways, ecology, the effect on living conditions of the closest neighbours and would provide appropriate accommodation for future residents. However, these are neutral factors that neither weigh for or against the development.

10. The proposed development would result in harm to the character and appearance of the area for the reasons set out above. I ascribe substantial weight to this harm.

11. The parties agree that the Council cannot demonstrate a 5-year supply of deliverable housing sites. The appellant advises that the figure is 3.96 years, which is not disputed by the Council. In such circumstances paragraph 11 d) ii of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

12. In terms of benefits, the proposal would contribute towards the housing stock within the Borough. It would meet the identified need for smaller units and would make a more effective use of land within an accessible location. Some economic benefits would be accrued during the period of construction and once the flats would be occupied. Given the number of flats proposed, and having regard to the shortfall in housing delivery in the borough, these benefits attract great weight in favour of the scheme.

13. The Framework seeks to ensure that development is sympathetic to local character, including the built environment, and is visually attractive. Therefore, the conflict between the proposal and CS Policy CS17 and DMP Policy DM2 should be given significant weight in this appeal.

14. Thus, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

15. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR