



Appeal Decision

Site visit made on 9 September 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/K3605/W/25/3367774

Site Of 29 and Land Northeast of 25 and 27 The Grove, Walton-On-Thames, Surrey KT12 2HP

- 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 J Nagioff of Surrey Property and Homes Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2999.
 - The development proposed is a pair of semi-detached houses and detached two-storey house following demolition of existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site is given as 29 The Grove on the application form. However, the site also includes land that was formerly part of the rear gardens of 25 and 27 The Grove which have since been separated and fenced off from the respective dwellings. I have therefore used the address given on the Council's decision notice and appeal form as this more accurately describes the site's location.
3. The appellant has submitted three amended plans¹ with this appeal which show the bin collection point positioned closer to the highway, amends the windows at first floor in the side elevations of Houses 02 and 03 to dummy windows and amends the red line on the Site Location Plan to reflect a change in ownership which removes 27 The Grove from the red or blue line and shows 25 The Grove edged in blue. These amendments do not make a substantial difference or fundamental change to the development when compared to the plans upon which the Council made its decision. The Council has also had the opportunity to review and comment on this evidence such that it would not cause unlawful procedural unfairness to anyone involved in the appeal. I have therefore determined the appeal on the basis of these amended plans.
4. The Council's first reason for refusal refers to the absence of a completed legal agreement to secure a contribution towards affordable housing (AH) in conflict with Policy CS21 of the Elmbridge Core Strategy (2011) (the Core Strategy). However, the Council has confirmed that following the determination of the application, its approach to seeking AH contributions for small sites has changed. This is due to several matters including the publication of the amended National Planning Policy Framework (the Framework) 2024; a review of housing monitoring information; and the conclusions of

¹ Existing Site Plan and Location Plan PL01 Rev. 03, Proposed Site Plan P01 Rev. P6 and House 02/03 Proposed Floor Plans and Elevations P03 Rev. P6

the Inspector in their Interim Findings Letter (11 September 2024) as part of the draft Local Plan Examination in Public in relation to the consistency of Policy CS21 with the Framework and the effectiveness of this policy in delivering AH based on contributions from small sites/non-major developments since its adoption in 2011. The Council has confirmed that in light of these material considerations, it is no longer seeking a contribution towards AH and has withdrawn its first reason for refusal. I see no reason to come to a different conclusion on this matter and therefore shall consider it no further.

5. The Officer Report refers to the effect on the living conditions of 45b Garden Road. However, the Council has confirmed this is an error and should've referred to 45b Carlton Road. The appellant's evidence considers the potential effects of the development on 45b Carlton Road. I am therefore satisfied that my dealing with the appeal on this basis would not prejudice either party.

Main Issues

6. The main issues are the effects of the development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupants of 27 The Grove, with particular regard to privacy, outlook and light and 45b Carlton Road, with particular regard to privacy.

Reasons

Character and appearance

7. 29 The Grove is a single storey dwelling located within a predominately residential area where properties vary in architectural style and materials. Dwellings in the vicinity are mostly single or two-storeys and a mix of detached, semi-detached and terraced properties which provides variety in the street scene. Surrounding properties are set back from the highway on a generally uniform alignment within spacious plots. However, No 29 is one in a row of four bungalows on this side of the street which have a deeper set back than surrounding properties. Front garden areas are enclosed by a variety of boundary treatments, however, planting within front gardens, coupled with the set back of properties in the street results in a green and spacious character and appearance.
8. Carlton Road lies to the south-east of the appeal site and serves as the access to several properties which are sited behind properties on The Grove and Garden Road. Other examples of such development can also be seen to the north-west of the appeal site on The Grove. As a result, back land development is not uncharacteristic, and the Council raises no objection to Houses 02 and 03 on this basis.
9. The size of the plots and the depth of the rear gardens for Houses 02 and 03 would be smaller than the majority of properties that front The Grove. However, neither would be significantly smaller than the plot sizes or gardens of other properties on Carlton Road, nor would they be dissimilar to other examples of back land development that can be seen along The Grove. As such, this would not amount to visual or character harm. The design of these properties would also be broadly consistent with the design of other properties in the surrounding area.
10. However, the semi-detached block would fill most of the plot width, resulting in a close relationship with the site boundaries. Given Houses 02 and 03 would be two-storey it is likely that glimpsed views would be achievable above and between the properties

immediately to the front of them on The Grove when travelling along the street, in addition to being visible from surrounding properties. As No 27 occupies a set-back position in the street scene, the separation distance between it and Houses 02 and 03 would also be closer than other examples of similar development in the area. Consequently, the combination of the scale, height and relationship of this block with its boundaries and No 27 would result in a cramped and incongruous form of over-development that would heighten its prominence and harm the overall character and appearance of the area.

11. House 01 is proposed as a two-storey dwelling constructed from materials that would assimilate within the street scene. The ridge height would sit below the ridge of the neighbouring dwelling at No 31 and the hipped roof form would be broadly consistent with surrounding properties. However, to accommodate the access to Houses 02 and 03 to the rear, the dwelling would be narrow in comparison to the plot. This, coupled with the proposed design and depth of the side elevations would result in unbalanced proportions which would be out of character with surrounding developments. Moreover, as the property would be positioned closer towards the highway than the adjacent row of bungalows, but out of alignment the row of two-storey dwellings to the south-east, views of the property and its side elevation would be prominent from the north-west and would dominate views when travelling along The Grove.
12. I acknowledge that some variations in the style of dwellings and building line can be seen along this side of the road, along with varying separation distances between the sides of buildings and that there are other examples of driveways to the sides of properties. However, in this case, the combination of the contrasting build line, uncharacteristic width and scale would result in an anomalous and incongruous development that would fail to successfully integrate in the street scene. The inclusion of uncharacteristic design features such as the flat roof front range would also further draw attention to the contrasting build line and proportions of the dwelling. Furthermore, the limited opportunities to incorporate soft landscaping to the front garden and parking area would fail to soften the appearance of the development in the street scene.
13. I note the appellant states that House 01 has been designed to match the adjacent two-storey properties. However, as a short terrace row No 31-35 have balanced proportions and the position of this block respects the overall build line closer to the highway. While Houses 02 and 03 may have been designed to be similar to a development on Rydens Avenue, I have not been provided with any details of this case and note that these properties are sited some distance from the appeal site and appear to front onto the highway. I am therefore unable to draw any direct comparisons to the appeal scheme. Interested parties also state the development would improve the appearance of the street, however, the site's appearance is not currently harmful.
14. For the above reasons, I conclude that the development would harm the character and appearance of the surrounding area. Consequently, it would conflict with Policy CS17 of the Core Strategy and Policies DM2 and DM10 of the Elmbridge Local Plan Development Management Plan (2015) (DMP) insofar as they seek to secure high-quality design that integrates sensitively into the surrounding area and respects local character. The Council have referred to Policy CS3 of the Core Strategy in its reason for refusal, however, as the aims of this policy seek to guide the strategic principles for development in Walton-on-Thames it is not determinative in my consideration of this main issue.

Living conditions of existing occupants

27 The Grove

15. The plans indicate that the side elevation of Houses 02 and 03 would be approximately 14.05m from the rear elevation of No 27. The Council contends that the semi-detached block would breach the 45-degree angle test from the ground and first floor windows in the rear elevation of No 27, resulting in a loss of light to these windows and the private garden space. However, given the positioning of these properties to the north-east of No 27, the direction of the sun path and the degree of separation between the two there is unlikely to be any overshadowing effect on No 27 or its garden. Moreover, as no windows are proposed at first floor in the side elevation facing No 27, there would be no overlooking or perception of overlooking into this property either.
16. However, the two-storey development would span the full width of the rear garden of No 27 in close proximity to the common boundary. While there is an existing single storey garage in the rear garden of No 27, Houses 02 and 03 would nevertheless result in a solid wall of two-storey built form that would enclose the rear garden and block the currently open outlook from the rear aspect windows and garden space. Whilst the design incorporates a hipped roof, the plans indicate the eaves height would still be approximately 5.5m and this expanse of development would dominate the views from No 27 and have an oppressive and overbearing effect on the living conditions of its occupiers. Given regard must be given to any future occupants of this property as well as existing occupants, the letter of support received from the occupants of No 27 does not overcome the harm I have identified.

45b Carlton Road

17. Houses 02 and 03 would be orientated with their front elevations facing towards No 45b, between which would be the parking spaces proposed for the new properties, front landscaping and a turning circle. As, the relationship between the proposed block and No 45b would not be rear-to-rear, the guidance in the Elmbridge Local Plan Design and Character Supplementary Planning Document (2012) which sets out that in many cases visual privacy is achieved by ensuring 22m between rear elevations facing each other is not determinative in this case.
18. Nevertheless, the Council estimates that Houses 02 and 03 would be approximately 10m from the boundary with No 45b and 18m from its closest elevation which is not disputed by the appellant. Given no windows exist in the elevation of No 45b which faces the appeal site there would not be any overlooking impact from first floor windows into any of the rooms of this neighbouring building. However, there would be a close relationship between the first-floor windows within Houses 02 and 03 and the garden land to the side of No 45b which, from my site visit observations, has very little garden space overall. This garden area also appeared to be the main area that could be used for sitting out at this property, even if it is not currently used for such purposes.
19. Four first floor windows are proposed in the semi-detached block which would serve two bedrooms and two bathrooms. The latter could be conditioned to be obscurely glazed and to restrict the opening part of the window to mitigate direct views into this neighbouring garden. However, there would still be clear views from the two-bedroom windows into this neighbouring garden, over a distance of approximately 10m. This would result in overlooking into this space which would compromise the privacy of these occupants, resulting in harm to their living conditions.

20. Therefore, to conclude on this main issue, for the above reasons, I find that the development would harm the living conditions of the occupants of 27 The Grove with particular regard to outlook, and 45b Carlton Road with particular regard to privacy. This conflicts with Policies DM2 and DM10 of the DMP which together and amongst other things seek to ensure that the privacy and amenity of existing residents is preserved.

Other Matters

21. I acknowledge that the appellant has made efforts to design the proposal to address concerns raised by the Council, however, this is a neutral matter. The proposal also has some local support; however, this does not alter my conclusions on the main issues.
22. Whilst the Council does not raise any objections to the proposal in relation to several other matters including density, the living conditions of future occupiers, highway safety, flooding, parking and cycle provision or ecology, compliance with the development plan in these respects is a neutral factor. So too is compliance with the Nationally Described Space Standards.
23. The appellant states the developments would also incorporate renewable energy technologies including EV charging, sustainable building materials, construction techniques and would be accessible and safe by providing natural surveillance. However, there is little in the evidence to suggest the development would go beyond the requirements of the development plan or other governing legislation in this regard.
24. The development is also described as a self-build scheme in some of the supporting documents. However, there is no substantive evidence before me that demonstrates the development of these three dwellings would meet the definition of self-build homes as set out in the Self-build and Custom Housebuilding Act 2015 (as amended). No mechanism has been provided to secure the development as self-build in any event. On this basis, I have not considered them as such.

Planning Balance

25. I have found that the appeal scheme would result in harm to the character and appearance of the surrounding area and the living conditions of existing occupiers, contrary to the abovementioned policies of the Core Strategy and DMP. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
26. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence provided by the appellant indicates that the current supply is 0.9 years, which is undisputed by the Council and a very significant shortfall. Paragraph 11(d) of the Framework is therefore engaged. Which in this case means granting permission 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.
27. On one hand, the scheme would make an efficient use of land and provide a net addition of two dwellings in an existing residential area that is relatively close to services, facilities and public transport links. It would also help to meet an identified

housing need in the area and as a small-site, it could be built-out reasonably quickly. The development would therefore make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Landscaping is also proposed, however, given the existing site context this would provide only minor biodiversity benefits.

28. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, with a net addition of two dwellings, any social, economic or environmental benefits associated with the development would be relatively limited, even taking account of the objective of significantly boosting the supply of housing in the Framework and the Council's housing land supply position. Therefore, the weight attached to these benefits overall is limited.
29. On the other hand, the development would result in harm to the character and appearance of the surrounding area and the living conditions of existing occupiers. This is contrary to the Framework, which seeks high-quality design and expects a high standard of amenity to be achieved for existing users. Consequently, this attracts substantial weight.
30. As such, in the specific circumstances of this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

31. I therefore conclude that 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. Accordingly, the appeal should be dismissed.

H Whitfield

INSPECTOR