



Appeal Decision

Site visit made on 16 December 2025

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2026

Appeal Ref: APP/K3605/W/25/3374602

1a Rydens Grove, Hersham, Walton-on-Thames, Surrey KT12 5RX

- 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 D Hayhoe, Sherwood and Scott Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1075.
 - The development proposed is to demolish and replace the existing light industrial building with a new light industrial commercial building, extended vertically to incorporate a new one bed first floor flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that they do not wish to defend their third reason for refusal regarding lack of affordable housing. This is because the Council has resolved that it will no longer seek affordable housing contributions on proposals of fewer than 10 dwellings, pursuant to Policy CS21 of the Elmbridge Core Strategy 2011 (Core Strategy). I therefore proceed to determine the appeal on this basis and as such affordable housing is not a main issue.
3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

4. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the area;
 - the living conditions of the surrounding residential occupiers at 1, 3, 5 and 7 Rydens Grove with particular regard to privacy and loss of outlook; and,
 - the demand for and availability of on-street parking.

Reasons

Character and Appearance

5. The appeal site is located adjacent to the rear gardens of dwellings on Rydens Grove. It is occupied by a single storey Victorian building, used for light industrial purposes. It is unusual in that it is a structure of substantial footprint set behind the rear building line of the Rydens Grove dwellings, occupying almost the full width of its plot. Although the existing single storey building has a significant footprint, it sits comfortably within its surroundings, alongside the gardens of neighbouring dwellings on Rydens Grove. This is due to its single storey and low-profile roof form containing two dual pitched roofs to account for the substantial width of the building.
6. As proposed, the replacement building would be substantial in terms of its scale, height and bulk compared to the existing building. The roof form would incorporate both a pitched roof and a crown roof with the rearmost section at a sufficient height to accommodate a first floor flat. Whilst the bulk of the first floor would be confined to the rear section of the building, it would nevertheless introduce a structure of greater height, scale and bulk than existing.
7. Whilst I acknowledge that the proposal would not be highly visible from public vantage points, views into the site from Rydens Grove would be possible through the access path, as well as from other rear gardens and surrounding houses.
8. Although there would be little change to its footprint, the additional height and bulk above ground floor level would lead to the building standing alone as a visually dominant feature amongst the surrounding gardens. Consequently, it would not sit comfortably within its immediate context of the houses and gardens lining Rydens Grove, and would fail to preserve or enhance the character of the area.
9. I have been referred to several examples to illustrate the varying roof forms of buildings in the local area. These include box dormers at 277 and 279 Hersham Road and crown roofs at Annaleigh Place, Elmwood Gardens and 265, 275 and 283 Hersham Road. I have no detail before me regarding whether the examples of the box dormers or crown roofs on extensions were granted planning permission or were erected under permitted development rights, which are subject to more limited considerations than full planning applications. I also have limited information before me regarding the examples of crown roofs on the housing schemes at Annaleigh Place and Elmwood Gardens, and the context and particular circumstances of those schemes.
10. Notwithstanding the above examples, the predominant roof form in the surrounding area is that of the characteristic hipped and gabled roofs of the Victorian and Victorian-style dwellings lining this part of Rydens Grove, which would not be reflected in the proposal. Due to its combination of pitched and crown roofs at different heights, the roof form in the appeal proposal would appear contrived and awkward in terms of accommodating the first floor flat.
11. The advice set out in the Elmbridge Design Code Supplementary Planning Document 2024 (SPD) at section 9.2.2 states that in relation to backland development, new infill building should be subordinate to the scale of surrounding buildings. Although the proposal would be lower in height than the Rydens Grove dwellings, and comparable to 7-8 Annaleigh Place, it would nevertheless be a

dominant presence due to the combination of its height, scale and bulk. Whilst the SPD offers guidance as to how development may be approached in particular situations, compliance with this section of the SPD does not necessarily indicate that the scheme would be acceptable in terms of its overall effect upon the character and appearance of the area. Consistency with the advice in section 9.2.2 does not alter my view that the proposal would be over scaled and out of character with the immediate context of the surrounding gardens.

12. My attention has also been drawn to the examples contained in section 9.2.3 of the SPD. I do not consider these are reasonable comparisons to the appeal site in that the examples shown are not located within the borough and there is no indication of the surrounding character or context.
13. I note there are other examples of backland development nearby. I have had particular regard to the bulk, scale, height and roof form of the dwellings at 7-8 Annaleigh Place to which I have been referred. It is a different form of development to the appeal proposal, comprising a pair of semi-detached houses fronting a cul-de-sac with vehicular access from Rydens Grove. The existence of the crown roofs at Nos 7-8 would not provide justification for a proposal that I consider would be harmful to the character and appearance of the appeal site and surroundings. I have considered this appeal proposal on its own merits and conclude that it would cause harm to the character and appearance of the area for the reasons set out above.
14. The proposed fenestration and use of materials to the east and west elevations would be consistent across ground and first floors and would not be out of keeping with the surrounding area. However, this matter would not overcome the harm I have already identified in my reasoning above.
15. In conclusion on this main issue, taken together, the bulk, scale, height and detailed roof design of the building would result in unacceptable harm to the character and appearance of the area. This would be contrary to Policy CS17 of the Core Strategy and DM2 of the Elmbridge Local Plan Development Management Plan 2015 (DMP). Taken together, and amongst other things, these policies seek to achieve high quality design which integrates with and preserves or enhances local character.

Living Conditions

16. The depth of the proposed building would be slightly reduced compared to existing although the proposed building would sit closer to the boundary with No. 7 Rydens Grove. The introduction of a first floor would render the proposal highly visible from the surrounding gardens, even though it is slightly set back from the side boundaries. The bulk introduced by the first-floor level would result in a substantial block of built form with an overall height that would be a considerable margin above the height of the boundary fence with No. 7. The first floor would be a dominant presence in views from gardens immediately either side of the appeal site in a way that is not currently the case. Even though the highest section of the building would not be directly adjacent to a window or terrace area, there would still be an overbearing presence to the gardens either side of the appeal site. This would result in a harmful loss of outlook from the rear gardens of 1 and 7 Rydens Grove.

17. Due to the angle of the proposed rooflights, there would not be any direct views afforded over the gardens on either side of the appeal site. As such, the proposal would maintain the privacy to the gardens of 1 and 7 Rydens Grove. A window is proposed at first floor which would directly face the rear windows of Nos 3 and 5 Rydens Grove. This window would be located well away from the site boundary. Subject to a condition to require the window to be obscure glazed and restricted in its opening, I do not consider that there would be an unacceptable effect on the privacy of the occupiers of Nos 3 and 5 Rydens Grove.
18. The houses located at 7-8 Annaleigh Place are located at the very end of the Rydens Grove gardens, and as such I do not consider their effect on those gardens is directly comparable to the effect of the appeal scheme on the gardens of Nos 1 and 7 Rydens Grove. This is because the proposed building would be located alongside a significant length of the gardens either side, rather than being confined to the far end.
19. Notwithstanding my views on the effect of the appeal proposal on the privacy of nearby occupiers, I have identified harm to the outlook from the gardens of 1 and 7 Rydens Grove due to the height and depth of the proposed building. This would conflict with the aims of DMP Policy DM2, insofar as it seeks to protect the amenity of adjoining occupiers.

Parking

20. The appeal proposal would be accessed via the existing arrangement of shared access with the property at No. 1 Rydens Grove. No off-street parking is proposed for either the dwelling or the studios forming the light industrial use at ground floor. The appeal site is within a sustainable location, with a level walk to services and facilities, as well as public transport options including the train station and local buses. Consequently, future occupiers would have some access to public transport to carry out their day-to-day activity without being entirely reliant on a private vehicle.
21. The standards set out in the Parking Supplementary Planning Document (2020) (Parking SPD) require one off street space for the flat. In relation to the light industrial units, the Parking SPD requirement is based on a floorspace standard. In areas where there are no on-street parking controls, the Parking SPD states that developers will be expected to demonstrate that new development does not lead to an unacceptable level of on-street parking, or an unacceptable impact on highway safety.
22. The standards referred to by the Parking SPD are maximum standards and the site is well served by public transport. Whilst I note the Council's concerns regarding the availability of parking, there is on-street parking on streets surrounding the site which is not restricted by a controlled parking zone. Although the appellant has not provided an overnight on-street parking survey, as suggested by the Parking SPG, this is not a requirement specifically set out in the DMP.
23. Given that the existing studios do not have off-street parking, and the re-provided studios would contain a similar floorspace to existing, I consider it would be reasonable for future occupiers to rely on on-street parking or public transport. In the context of the car parking standards being a maximum, and given the availability of public transport and local services, a single additional one-bedroom

flat would not place a demand on on-street parking to the degree whereby it would be demonstrably harmful to the amenities of local residents or to highway safety.

24. Whilst I note objectors' concerns regarding parking, there is no compelling evidence before me which would lead me to conclude that there would be unacceptable harm to the availability of on-street parking locally as a result of the appeal proposal. Consequently, the appeal proposal would not conflict with DMP Policy DM7 insofar as it requires parking provision to be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents.

Other Matters

25. Reference has been made by both main parties to the volume of the proposed scheme relative to the existing building and to other surrounding buildings including those on Annaleigh Place. Irrespective of the relative volumes of the appeal proposal and surrounding buildings, I have found that there would be harm to the character and appearance of the area and to the living conditions of residents at Nos 1 and 7 Rydens Grove. The relative volume of the appeal site in relation to other buildings in the area would not overcome the harm I have already identified.
26. Similarly, whilst the proposed building would offer a very space-efficient design, the efficiency of layout would not overcome the harm I have identified in my reasoning above.
27. In addition to the main issues identified above, there are third party objections relating to other planning and non-planning matters including noise, dust and pollution during construction, obstruction of views, pressure on infrastructure and effect on property values. As I am dismissing the appeal on two of the main issues for the reasons given above, I have not pursued these matters further.

Planning Balance

28. Set against the harm I have identified above, the appeal scheme would offer an additional residential flat which would contribute to increasing the local housing stock. The scheme is said to be self-build, for which there is particular support within the Framework. However, no mechanism to guarantee self-build has been put forward and as such I attach limited weight to this benefit. Given the small scale of the proposal, a single dwelling would make a limited contribution to the Council's housing stock and as such I attach limited weight to this benefit.
29. The replacement building with a crown roof would offer benefits in terms of maintenance and overall space efficiency. There would be temporary and ongoing economic benefits from the development, through the employment use, construction process and future occupiers' use of local shops and services. Given the single additional dwelling and limited additional studio space over existing, those benefits would be limited. I note the proposal would achieve some ecological enhancements, to which I attach moderate weight.
30. My attention has been drawn to the scheme's compliance with other policies within the development plan. The Council acknowledge that the proposal would be acceptable with regard to ecology and biodiversity, land use, layout and standard of accommodation. I have no substantive evidence before me which would lead

me to disagree. These matters weigh neither for nor against the scheme in the planning balance.

31. The Council cannot demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
32. As described above, the benefits associated with the additional dwelling and replacement light industrial units would be modest, even taking into account the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply shortfall.
33. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The Framework also states that planning decisions should create places with a high standard of amenity for existing and future users. I give significant weight to the harm arising from these matters.
34. Although I have found in favour of the appellant regarding parking, the harm I have identified to the character and appearance of the area and to the living conditions of neighbouring residents would significantly and demonstrably outweigh the benefits of the proposal 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

35. 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, the appeal should be dismissed.

L Francis

INSPECTOR