



## Appeal Decision

Site visit made on 9 March 2021

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 March 2021**

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**Appeal Ref: APP/K3605/W/20/3259760**

**85 Queens Road, Weybridge KT13 9UQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by GH Investments against the decision of Elmbridge Borough Council.
  - The application Ref 2020/0473, dated 21 February 2020, was refused by notice dated 25 August 2020.
  - The development proposed is for the construction of a mansard roof to create 1no. 2-bedroom 3-person apartment with associated amenity.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by GH Investments against Elmbridge Borough Council. This application is the subject of a separate Decision.

### Procedural Matter

3. I note that there are other current appeals referred to in the evidence which involve different applicants and appellants. My decision in relation to this appeal relates to the Council's Decision Notice for planning application 2020/0473 only.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building.

### Reasons

5. The appeal property is presently three storeys in height situated in a row of commercial properties fronting a high street. It has a flat roof and a series of elongated windows dominate its front façade. Buildings within the row have a variety of designs and are predominantly two storeys, with some also utilising space within their roof slopes.
6. Weybridge is recognised by the Council's development plan as a high-quality environment. Although there is variation in building heights in the row the proposal would make the host building noticeably taller than other existing buildings on the same side of the road.

7. The host property is presently seen in the context of two storey buildings either side of it. The additional storey would significantly increase the form, mass, and height of the appeal property. In doing so it would detract from its simple uncluttered flat roof design and the visual primacy of the window detailing on its front elevation. The appeal scheme would introduce an incongruous feature which is not compatible with the proportions of the host building or the other buildings in the immediate row it would be seen in the context of.
8. The appellant suggests that because the building is set back from other buildings in the row direct pedestrian vantages of the building from the highway would differ, and in some respects, would be limited. Nonetheless, the height and mass increase would be visible from the main high street as well as from South Road where there is primarily two storey development. I have considered the use of planning conditions to control the external facing materials of the development, but it would not overcome my concerns to its physical appearance.
9. I note the appellant's suggestion that the reinstatement of the blanked-out window on the building would represent a visual betterment. However, it would be a minor visual change which would not offer a substantial visual improvement when considering the full impact of increasing the size of the building in the manner proposed.
10. I acknowledge there is a 4-storey block of sheltered housing under construction on the opposite side of the road facing towards the appeal building. However, the row of buildings the appeal building is part of are smaller properties, and the sheltered housing building has different design features, site components and effects. Therefore, it is not directly comparable to the appeal scheme building or its effect on the appearance of the area.
11. I appreciate that there is officer support for the character and appearance impacts of the scheme which are stated in the Council's submitted committee report but that does not bind my assessment in identifying any harm.
12. Accordingly, I find that the development would be harmful to the character and appearance of the host building. It would conflict with Policy DM2 criterion b of the Elmbridge Local Plan, Development Management Plan April 2015 which seeks that development should preserve or enhance the character of the area having regard to the impact on the host building; Policies CS4 and CS17 of the Elmbridge Core Strategy (ECS) July 2011; which combined seek that all new development will need to be well designed, integrate with, and enhance local character; the aims of the Elmbridge Local Plan Design and Character Supplementary Planning Document April 2012 which seeks to secure the delivery of distinctive, high quality development across the Borough, that respects local character. It would also conflict with Section 12 of the National Planning Policy Framework (the Framework) which aims to achieve well designed places.

*Other considerations*

13. The main parties agree that the Council is not able to demonstrate a 5-year housing land supply. The evidence submitted suggests there has been a consistent underperformance in housing delivery and is confirmed in the annual Housing Delivery Tests (HDT). The 2019 figures released in February 2020 indicating a delivery of 58% of housing requirements.

14. The provision of an additional dwelling proposed would add to the housing supply and increase choice in the district, where there is demand for residential accommodation.
15. Moreover, I accept that the development would lead to the more efficient use of land in a location which has high levels of accessibility to a variety of local services. But the increase to supply would be modest and therefore I attribute those benefits moderate weight.
16. Recent changes in permitted development rights are referred to which allow taller buildings. But the appellant accepts the development could not take place without the need for planning permission owing to the age of the building. Therefore, references to permitted development rights do not weigh in favour of the scheme.
17. The appellant makes the argument that Policy CS21 of the ECS which deals with affordable housing is being out of date and not effective. But, the affordable housing requirements in dispute are based on a demonstrated local need and local strategies are aligned to meeting that demonstrable need.
18. I also note that viability information has been produced which makes the case that the scheme would not be viable to support a commuted sum payment towards affordable housing provision, triggered by the ECS. During the determination period of the planning application it was agreed by the main parties there would be an affordable housing contribution of £22,333.58 to satisfy the requirements of Policy CS21 as there would potentially be a total of six residential units at the premises taking into account other planned development.
19. However, the appellant states that the Unilateral Undertaking (UU) provided during the planning application determination period dealing with contributions for Affordable Housing and for Strategic Access Management Monitoring Contributions (SAMM) is superseded reflecting such viability issues. On that basis a new Unilateral Undertaking submitted during the appeal period has been received and covers SAMM contributions only, of £670.
20. I have considered the Wheatcroft Principles and the consideration of the viability information and the revised UU does not lead to material prejudice to any party. Furthermore, the Council have also sought independent viability advice based on the appellant's case. Therefore, I have taken the information into account in reaching my decision.
21. In view of all of those points, I accept there is evidence suggesting the scheme would be viable if it is considered as providing a sixth unit in line with the Council's independent advice. Nonetheless, there is nothing binding linking the proposal to another development scheme. Taken in isolation I have considerable doubt a single flat would be able to support such a contribution. Thus, I give the viability findings provided by the appellant considerable weight. I have no strong evidence the scheme would be viable without relying on the approval of other development. As a result, although there is conflict with Policy CS21 I do not find the scheme would materially harm local affordable housing delivery.
22. The main parties agree that the site is within the zone of influence of the Thames Basin Heaths Special Protection Area (SPA). The SPA is protected as a

European Site and is therefore subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. I have no cause to conclude the approach taken to SAMM contributions would not be a feasible approach of dealing with the statutory obligations concerning the SPA.

**Planning Balance and Conclusion**

23. Because a 5-year housing land supply cannot be demonstrated paragraph 11d of the Framework is engaged. However, the harm to the character and appearance of the building and local area would significantly and demonstrably outweigh the limited boost to housing supply and any social, environmental, or economic benefits of allowing the scheme.
24. I have found there would be conflict with the Council's development plan in relation to the impact to the character of the building which would lead to substantial visual harm. Overall, I do not find that any of the benefits listed by the appellant would outweigh the demonstrable harm identified.
25. For the reasons given above the appeal does not succeed.

*M Shrigley*

INSPECTOR