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# Appeal Decision

Site visit made on 23 January 2018

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> February 2018

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**Appeal Ref: APP/K3605/W/17/3184627**

**Clive House, 12-18 Queens Road, Weybridge KT13 9XE**

- 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 Pegasus Life against the decision of Elmbridge Borough Council.
  - The application Ref 2016/4126, dated 13 December 2016, was refused by notice dated 13 July 2017.
  - The development proposed is part three/part four storey detached building with basement, to provide 30 flats (age restricted) with associated landscaping and parking following demolition of the existing building and refuse store.
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## Decision

1. The appeal is dismissed.

## Application for costs

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

## Preliminary Matters

3. The parties agreed to amend the description of the development during the process of the application. I have used the amended description which accurately reflects the proposal.
4. On my site visit I entered the homes of five individuals who had requested that I view the appeal site from their individual properties. I was accompanied throughout the visit by the Appellant and the Appellant's agent. At no point were the merits of the case discussed with any party.

## Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the non-designated heritage asset No 20 Queens Road.

## Reasons

6. The appeal site lies on the edge of the designated local centre of Queens Road. The buildings to the south east and northeast are commercial, and the wider area is residential in nature. The existing building on the site, Clive House, is a two storey office block, with further accommodation in the basement. Although it is not a remarkable feature of the street scene, it respects the scale and form

- of the development along this side of the Queens Road which tends to consist of modest blocks of development, set back from the road within relatively generous plots and benefitting from a good level of on-site vegetation and planting.
7. Clive House has a car park to the front with mown amenity grass and ornamental shrub planting which positively enhances the space around the building and softens its relationship with Queens Road. The appeal site is clearly seen within the context of No 20 Queens Road and Woodview Court, and the more modest form of development that continues towards Hanger Hill. Due to the relatively modest size of Clive House the site is visually permeable and views of the residential development along Princes Road and York Road can be seen to the rear, which highlights the low scale, spacious nature of the built form in the area.
  8. No 20 Queens Road is a locally listed building. It was constructed in the late 19<sup>th</sup> Century and sits on the corner of York Road and Queens Road. It occupies a prominent position within the street scene, with the most relevant views being those from the northeast, east and southeast. These are appreciated as the principal elevations in terms of their detailing, featuring a classically inspired door, first floor window bay, and turret. Whilst not a listed building, No 20 makes an important contribution to the street scene and it derives a good part of its significance from its position and local views of it.
  9. The development directly opposite is of a mixed retail and residential use, at parts it is three storeys in height with a high pitched roof. This side of the road has evolved over a period of time, although continuing along a single building line the ridge height of the buildings vary in height and design, which is effective in breaking up the mass of the built form and creates an interesting street scene.
  10. The proposal would bring the built form forward so that it would sit alongside No 20 Queens Road, and would sit forward of Woodview Court. I accept that No 20 historically would have been viewed in the context of adjacent buildings, and that the setting back of the building line is likely to have occurred when Clive House was erected. However, I do not accept that previous buildings on the site would have been of a scale and mass comparable to either Clive House or the proposal.
  11. The first three storeys of the proposal would sit extremely prominently in the street scene, with the built form stretching almost the entirety of the site. Despite the fourth floor being set back some 1.8 metres it would do little to break up the overall scale and mass of the building and it would be highly visible due to the more modest development surrounding it. Such a significant increase in scale and mass would create an overbearing and oppressive experience at this point of the road.
  12. I accept that the views of the principal elevations of No 20 and the interesting and important design features would still be visible and appreciable due to the location of No 20 on the corner plot. However, the proposal would be a towering development, dominating the street scene and detracting from the enjoyment of the principal views of No 20, which plays an important role in enhancing the more modest character of the area. This oppression would be intensified by the relationship with the three storey buildings opposite, resulting in a canyon type effect.

13. In contrast to the pitched design of the roofline on the opposite development and that demonstrated further along the road towards Seven Hills Road, which is a common feature of buildings in the area, the proposal would have a flat roof. Such a design on a building of this size would create a bulky and unimaginative development, which would appear out of place and would fail to respond to the local distinctiveness of the area.
14. Further along Queens Road, when travelling towards Seven Hills Road, the built form increases in its scale and mass, as accepted in a scheme allowed at appeal on No 30 Queens Road, the former Honda Garage<sup>1</sup>. The Inspector considered No 30 to be part of a gateway to the Queens Road, and therefore worthy of prominence and focus that would reflect the built form at Dial Stone Court. I agree with the Inspector's assessment of that site. However the scheme before me is materially different. The experience as one travels towards Hanger Hill is of a more mixed residential and commercial nature, with the height of the buildings broken up by smaller more modest forms. Although the proposal would respond to the large scale development in the wider area, it would completely fail to acknowledge, respect and integrate with, the more modest developments in the immediate vicinity.
15. I find that the proposal, with particular regards to its proposed scale and height, would have a harmful impact on the street scene and the character of the area. I attach significant weight to that harm. It would therefore conflict with Policies CS4 and CS17 of the Core Strategy with regards to its failure to respect the character of the local area. The proposal would also fail to protect the more modest elements of the character of the area and would therefore conflict with Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (Local Plan) in respect of preserving the character of the settlement.
16. The significance of No 20 relates to the local enjoyment of it, and therefore harm to it should be assessed in this regard. No 20 is an important element of the character of this part of Queens Road. The proposal would swallow up the enjoyment of the visual prominence of the locally listed building. It would be harmful to it, and subsequently harm its contribution to the character of the area. As such the proposal would conflict with Policy DM12 of the Local Plan in respect of preserving the significance of the asset.

### **Other Matters**

17. The Appellant asserts that Policy CS23 is applicable to the proposal as it would involve the loss of employment land. There is some dispute between the parties as to whether or not Policy CS23 is a policy for the supply of housing, and accordingly what weight should be attached to it. On the basis of the evidence I see no suggestion that the Council seeks to retain the site for employment uses. It acknowledges that prior approval was granted for the change of use of Clive House to 16 residential units. Therefore I do not consider that the loss of the site for employment uses is a determinative factor in this regard.

### **Planning Balance and Conclusion**

18. The parties agree that the Council is unable to demonstrate a five year supply of housing land. On the basis of the evidence submitted, the Council appears

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<sup>1</sup> APP/K3605/W/16/3146577

to have 3.16 years' worth of housing land supply. It follows that, for the purposes of paragraph 49 of the Framework, policies for the supply of housing are to be considered out of date. Paragraph 14 of the Framework indicates that where relevant policies are out of date 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.

19. The proposal would have the social and economic benefits of contributing 30 new units, which would address a specialist need in providing homes for the older population. However, it would only make a small contribution to helping to address the scale of the overall housing supply shortfall. As such, I attach only limited weight to this benefit from the proposal.
20. The proposal would result in investment in construction and related employment for its duration, and there would also be a likely increase in local household spending in the area which would be a benefit to the local economy. However, the construction element would be for a temporary period, and I have no evidence to suggest that the local economy would suffer if the proposal were not allowed. I therefore attach moderate weight to these factors.
21. On the other hand the development would result in significant harm to the character and appearance of the area, and this is a matter to which I attach significant weight. The proposal would not contribute to, or enhance, the built environment. It would fail to respond to the local character and would not reflect the identity of the local surroundings and materials in accordance with the aims of the Framework. Accordingly the proposal would conflict with policies of the Framework that seek good design and the environmental dimension of sustainable development would not be achieved. This weighs heavily against the appeal.
22. The lack of a five year supply of housing land does not automatically lead to a grant of planning permission. In this case the adverse impacts of granting permission that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Overall the proposal would not represent sustainable development.
23. Whilst the policies breached are out of date the proposal would nevertheless be contrary to the development plan and this conflict would not be outweighed by other material considerations including the provisions of the Framework and paragraph 14 in particular. Therefore the appeal should be dismissed.

*J Ayres*

INSPECTOR