



Appeal Decision

Site visit made on 19 March 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2019

Appeal Ref: APP/K3605/W/18/3217059

Molesey Football & Social Club, 412 Walton Road, and 22-29 and 30-33 Grange Close, West Molesey KT8 2JG

- 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 Mr D Mumford or Molesey Football & Social Club, Rushmon Homes and PA Housing against the decision of Elmbridge Borough Council.
 - The application Ref 2017/4137, dated 20 December 2017, was refused by notice dated 6 November 2018.
 - The development proposed is: Redevelopment to provide a new clubhouse facility for the Football and Social Club including changing rooms and covered seating, a day nursery, 24 private apartments and 26 affordable rent and shared ownership apartments following demolition of the existing clubhouse and stand and Nos 22-29 and 30-33 Grange Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. I have taken any comments received on relevant implications for the appeal into account in my reasoning.

Main Issues

3. The main issues are:
 - the effect of the development on the character of the area,
 - the effect of the development on the living conditions of neighbouring occupants, particularly in respect of Mole Place and Grange Close, and
 - whether there would be sufficient and accessible amenity space to serve the development.

Reasons

Character

4. Policy DM2 of the Elmbridge Local Plan seeks that development proposals are based on an understanding of local character and take account of the relevant character assessment companion guide in the Design and Character Supplementary Planning Document (SPD). It further states that proposals

should preserve or enhance the character of the area taking account of design guidance detailed in the SPD, with particular regard to scale, mass and height.

5. Based on my site visit and the companion guide noted above, the area is predominantly residential and is characterised by mainly 2 storey pitched roof buildings with front and rear gardens, fronting a road. The area includes green open spaces which contribute to the area's suburban character. The appeal site contains a single storey football club building and separate football terrace building with seating, set back from the road, accessed via Mole Place which is lined with perpendicular car parking bays. A separate part of the appeal site contains 2 blocks of flats accessed from Grange Close and Walton Road.
6. The appeal development would extend to 3 storeys high not including its roof. It would therefore be out of character with surrounding development. It would be clearly seen from adjoining properties on Mole Place and Grange Close and from Walton Road where it would be seen looking down Mole Place. I appreciate that meeting housing targets is likely to mean building at higher densities. But based on the evidence before me I am not convinced this means building at the height proposed in this case in this suburban area.
7. I conclude on this main issue that, because of its height, the proposed development would not preserve or enhance the character of the area and would therefore not comply with Policy DM2 noted above. I appreciate the appeal scheme may protect trees which contribute to the character of the area but that does not change my conclusion on this main issue.

Outlook

8. Policy DM2 of the Elmbridge Local Plan seeks high quality design which takes full account of the protection of the amenity of adjoining occupiers and which offers appropriate outlook. The Council's decision identifies harm in this respect for occupants of Mole Place and Grange Close. At my site visit I viewed the appeal site from different locations around the site itself as well as from immediately outside 2 Mole Place and from the rear garden and conservatory of 15 Grange Close.
9. From outside the front of 2 Mole Place, I saw that Building B would be considerably taller than the existing building it would replace. Due to its considerable width, Building C would dominate the outlook from the garden and conservatory of No 15, notwithstanding the size of this garden and the view available from it in another direction.
10. In my judgement, based on my site visit and the evidence before me, I conclude on this main issue that as a result of the combined scale, height and mass of the buildings proposed, the appeal development would have an overbearing effect on occupants of Mole Place and Grange Close. Overall, in this regard, the proposed development would therefore not represent high quality design or offer appropriate outlook as sought by Policy DM2 noted above.
11. I appreciate that, based on the evidence provided, the appeal scheme may not result in harm in respect of overlooking or light loss for neighbouring occupiers. However, these effects are not the same as outlook which is a matter of judgement.

Amenity space

12. Policy CS14 of the Elmbridge Core Strategy states that the Council will protect, enhance and manage a diverse network of accessible multi functional green infrastructure and will strengthen the network and multi functional role by requiring the provision of facilities for public use on-site as part of development schemes over 50 dwellings, where appropriate. From my site visit and the information provided, the appeal scheme would not involve the loss of green infrastructure and is for 50 dwellings. Therefore, Policy CS14 does not apply in this case.
13. I have not been provided with specific standards for the amount of amenity space required for a development of this type and scale in this location. The development would include amenity space adjacent to Building A together with landscaping provided around the appeal site, and, some of the proposed dwellings would be provided with their own private amenity space. In addition existing public open space would be accessible within a few minutes' walk away at Molesey Recreation Ground and Brende Gardens, both of which include children's play areas.
14. The Council is concerned that Walton Road must be crossed to access Molesey Recreation Ground. This road is not furnished with a convenient formal crossing facility close to the appeal site. However, this road is relatively straight, is of limited width, has a 30 mph speed limit where it adjoins the appeal site and has a limited history of road accidents involving pedestrians. Based on my site visit and the evidence provided in this case, including the response from Lanmore Consulting, I am not convinced Walton Road is too dangerous for occupants of the appeal development to cross to access Molesey Recreation Ground safely.
15. I appreciate the appeal scheme would result in an uplift in dwellings on the appeal site. I also appreciate this would most likely generate additional demand for amenity space for occupants of the development and more people crossing the road in this location. But, given the road conditions noted above, this does not mean more road accidents would necessarily occur, and, in the absence of the provision of specific standards for amenity space for a development of this type in this location, considering all of the above points, I am not convinced there would not be sufficient or accessible amenity space to serve the development.

Other Matters

16. I appreciate the appeal scheme is a resubmission and may have been reduced in scale from a previous submission. However that in itself does not make the appeal scheme acceptable. I also appreciate the appeal scheme was recommended for approval by officers of the Council but a local planning authority is not bound to accept the recommendation of its officers where there are reasonable planning grounds for taking a contrary decision.
17. Representations supporting the scheme have been received and objections from residents immediately adjoining the appeal site are more limited in number by comparison. But planning decisions are based on the individual merits of a case so the number of representations in support of this case do not make the scheme acceptable either, in light of the sound planning reasons for resisting the scheme noted above.

Planning Balance

18. The evidence indicates the Council does not have a 5 year housing land supply and has not delivered its housing needs in the last 3 years. As such, paragraph 11 (d) of the Framework is engaged. Accordingly, 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. I accept that the appeal scheme would provide benefits. These include the coordination and reuse of previously developed land, improved facilities for the football club and the local community, a mix of new housing units (including affordable housing) in a location with good access to services and facilities, a New Homes Bonus payment and a better financial outlook for the football club which may contribute to its longer term survival. A planning obligation to secure the affordable housing has been provided that the Council is satisfied with were permission to be granted.
20. However, the benefits must be balanced against the harm. In this case, the combination of harm to the character of the area, particularly as a result of the height of the development, and the harm to the living conditions of neighbouring occupants, outweighs the benefits of the scheme, notwithstanding that there is support for the scheme from parts of the community. The housing and facilities proposed in this case (and associated benefit to the football club) should not be provided at the expense of all other considerations.
21. The development would contribute to housing supply but it would not resolve the shortfall and I am not convinced the benefits noted above must be achieved by a development of this height and form in this location. As we are reminded by the Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

L Perkins

INSPECTOR