
Appeal Decision

Site visit made on 30 December 2013

by B M Linscott BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 January 2014

Appeal Ref: APP/A3655/A/13/2206285

Sheer House and adjoining Centre, 7 Station Approach, West Byfleet, Surrey, KT14 6NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Anthonymaker GP Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN2013/0026, dated 7 January 2013, was refused by notice dated 8 May 2013.
 - The development proposed is to open up existing public courtyard on station approach and create fully accessible public space, provide access to the upper level car park from the courtyard, refurbish the entrance to Sheer House, overclad the façades of the existing buildings to improve their appearance and thermal performance, replace the concrete balustrades above the shops, create two-storey residential apartments on the roof of Sheer House, create two-storey houses around a landscaped courtyard on the roof of 13-14 Station Approach, create a four-storey residential extension over the existing car park on the south side of Sheer House.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was made in outline with, according to the application form, all matters reserved for future approval. The drawings which accompanied the application, whilst representing essentially a detailed scheme, are marked as being for illustrative purposes. Notwithstanding that, somewhat confusingly, a note indicates that they depict layout, scale and access. In short I have taken them to illustrate one possible and, in my judgement, feasible representation of what might reasonably be expected to be pursued were outline planning permission granted. That said, all of my reasoning that follows recognises that the scheme design is not one to which the appellant would be bound were the appeal to succeed.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having in mind the proximity of 2 conservation areas¹,
 - its effect on the living conditions of nearby residents,

¹ I consider that the nearest listed building, the church, is too far distant and separated by other established development for the site to be regarded as within or affecting its setting.

- whether the proposed new apartments would represent satisfactory accommodation for their occupants, and
- whether, having regard to development plan policies and CIL Regulation 122 in particular, there are matters which require mitigation through contributions necessary to make the development acceptable.

Reasons

4. The appeal site is a large and highly prominent complex in the commercial centre of West Byfleet, which is referred to by some residents as a village, though in terms of its size and the nature and substantial extent of retail and other services offered, it can realistically be seen as a small town. Indeed the centre (the second largest in the Borough) is identified in the Council's Core Strategy as a District Centre where additional commercial and residential development (up to 170 units) is expected to be provided.
5. Even were I to regard the area as a town centre, Sheer House and its surrounding complex are oddly and conspicuously out of scale and sympathy with the surrounding, generally low-rise, development (a matter which the DAS recognises would have been the case when it was built in the 1960's). I acknowledge the appellant's observation that the complex has been joined by a small number of later sizeable buildings of up to four storeys in height, nonetheless it remains locally unique and visually dominant in its form and bulk. Indeed, from whichever direction one approaches the site, it is difficult not to conclude, in my judgement, that the complex is an anomalous and anachronistic structure, particularly in terms of the buildings' bulky design, massive size and height, when read in the context of the majority of the development amongst which it stands.
6. Obviously long established, the complex is now showing its age, both in terms of the condition of its fabric (building and surfaces at ground level) and of its reported thermal performance when compared with modern buildings. That said, it appears to be well used and to remain part of the reason for West Byfleet's commercial vitality. Moreover, in terms of location, it is plainly easily accessible by a wide range of transport modes.
7. Its design is very much of its time, having a bold, brutal, repetitively-detailed and modular appearance, and a rigid geometric layout. The complex was apparently designed to read all of a piece, with a tall and bulky principal core surrounded by lower secondary elements, comprising shops and car parking decks, all deferring to the core building. Walking through and around it, one can still appreciate how its largely self-contained concept was arrived at, though I fully acknowledge the appellant's criticisms of its limitations and their identification of potential improvements for better public accessibility and user experience.
8. Turning to the first issue, the proposed scheme would add extensively to the existing buildings, including adding an additional 2 storeys to the main building, 4 additional storeys over part of the ground floor shops to the south-east of Sheer House and a 2 storey addition above the units to its north-west. The complex would be re-clad and the elevations of the existing re-configured, with the new additions departing significantly in their form and appearance from the somewhat *austere and dated qualities of the existing structures*. The design approach in the new would be reflected in the alterations to the existing and plainly aim to transform the complex's appearance and contribution to the local "townscape".
9. I accept that, taken out of its local context, the composite design, integrating new and old, has some merit, though I agree with the Council and some local critics that certain of the component elements of the scheme fail to gel with one another

and are thus visually somewhat incongruous. I also accept that, taken in isolation, the scheme would bring about much needed improvements to the somewhat drab and tired appearance of the building. It would also bring benefits in terms of the scope for a significantly different, and somewhat improved, approach to the hard and soft landscaping of the site, there being currently nothing of note to soften the brutal design and bulk of the complex. Finally, I acknowledge that the thermal efficiency of the existing buildings is poor and that the proposals would substantially improve that. To that extent, the proposal would be beneficial.

10. However, the extensions would bring about a very sizeable enlargement of the buildings and thereby of the prominence of the complex. I acknowledge that the arrangement of the extensions to the lower southerly elements of the complex would be seen against the backdrop of the tall core building (and indeed from some directions would be obscured by it) thus limiting, to a degree, its visual intrusion into the local scene. However, from others, notably the east and especially Lavender Park Road and the flats in Drayton Court, the significant bulk of the 4 storey block, extending towards Lavender Park Road, would be highly conspicuous and indeed dominating in the streetscene, one which is currently characterised by low rise development on Lavender Park Road near its junction with Camphill Road. The abrupt contrast in scale, form and bulk (as the Council points out, in effect a structure equivalent in height to a 6 storey building), would result in a poor visual relationship between the new and established development and an overbearing impact upon the surroundings.
11. The sizable rooftop additions to Sheer House, whilst slightly set back from the facades, would be eye-catching from all directions, adding what would read as a series of connected tall units to the top of the already tall and bulky building, thereby compounding its dominating and out of scale appearance. The extensions above the retail unit on the junction of Station Approach and Madeira Road would be two storeys in height and visually broken down into individual elements, each with monopitch roofs. There has been criticism of these as having the appearance of houses planted on to the building, and I agree that this addition would not seem to reflect or draw upon any characteristic of the existing building, or indeed of any surrounding development. However, given the rather nondescript "architecture" of this part of the complex, though it would be somewhat quirky, I would not go so far as to criticise this aspect of the scheme in terms of its townscape impact. Nor do I consider that this addition would have any material impact on the adjacent Station Approach Conservation Area².
12. Bringing all of the above together, seen in isolation from its local context, the proposal might be regarded as a reasonable fusing of old and (sizable) new-build. However, when placed into that context it fails to respond positively to, still less be integrated, or to harmonise, with it. In short, a complex whose bulk, form and size I have already observed to be anachronistic to its surroundings, would be substantially enlarged in each of those respects. The enlargement would thus compound its already jarring relationship with its context, causing it to be even further out of scale, proportion and harmony with its surroundings. The design, public realm and accessibility improvements I have identified above offset that harm to some limited extent but not to the point that it would outweigh the discordance and render the scheme acceptable. The proposal would therefore fail to satisfy the design requirements contained in policies CS3, CS21 and CS24 of the Core Strategy.

² Separately, the Byfleet Corner / Rosemount Parade Conservation Area faces the site from the opposite side of the main road and the size and nature of the intervening space suggests to me that it would not be reasonable to conclude that the effect of the proposals would have any harmful effect upon that area's special interest, having Local Plan policy BE9 and the provisions of the NPPF in mind.

13. Turning to the second issue, the Council's concern is over the prospect of overlooking of residential properties to the east, at Drayton Court. Those properties are on the opposite side of Lavender Park Road and I acknowledge that there may be the potential to see into a small number of rooms (some of which the Council has suggested serve habitable rooms, though it has not been specific) from the proposed balconies. Nonetheless it seems to me that the distance involved and differences in relative height mean that the relationship need not be such as to cause unreasonable intrusion or loss of privacy. Moreover, bearing in mind that design and internal room arrangements are not before me, I consider that such matters could be addressed at the detailed stage. Accordingly policy CS21 of the Core Strategy is not infringed in this specific regard, and I consider that the purposes of the SPD could be met.
14. The third issue arises from the Council's concern over the quality of the accommodation to be provided in the extension above the shops in the south-eastern part of the site. Having, in mind that this is an outline application (so detailed matters of planning have yet to be considered) it seems to me that the indicative configuration would mean that a small number of flats would face broadly northwards towards Sheer House at a distance of about 14m (mentioned by the Council and not disputed by the Appellant). Whilst not generous and somewhat below the SPD aspiration, and acknowledging the orientation, that nevertheless does not seem unacceptable to me, nor would it approach the level at which those flats would be "unlivable". Furthermore, once again, I remind myself that this is an outline application, so detailed design matters could be revisited. I consider that there is no reason to conclude that policy CS21 and the intentions of the SPD would not be met in this respect.
15. The final issue concerns the question of whether the matters raised by the Council as needing to be addressed or mitigated are justified. If they are, I must then judge whether they warrant a S106 Obligation as the Council's reason for refusal suggests.
16. Since the application was refused, the appellant has produced a draft Unilateral Undertaking that purports to provide for the contributions sought by the Council to offset the impacts which it says that the proposed development would have on local infrastructure and the Thames Basin Heaths SPA. Whilst it appears not to dispute any other aspect of the draft Obligation, the Council states that it fails to meet the full requirement for affordable housing required by the policies of the Core Strategy (£1 million as compared to the £200k written into the draft).
17. The contributions and covenants contained in any Obligation are required to comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. To be compliant, contributions must be necessary in planning terms, directly related to the development and fair and reasonably related in scale to it.
18. Based on the limited material before me³, I accept that there appears to be a relevant policy basis in principle for contributions on each of the matters addressed in the reason for refusal. Moreover, I note that provision is made in the affordable housing policy to encompass viability considerations. However, given the scant available evidence, I am not in a position to be able to conclude whether the sums identified by the Council in the officer's report reflect the degree to which mitigation is required. Nor, for the same reasons, can I judge whether the appellant's claim that the viability margins of the scheme are such as to justify an affordable housing contribution amounting to only 20% of what the Council claims

³ The unsigned and undated draft Obligation, the Officer's Report and a brief reference in the appellant's statement indicating that a S106 Obligation will address the matters raised by the second reason for refusal.

to be necessary⁴. I am therefore not in a position to apply the tests under CIL Regulation 122 and in the NPPF.

19. In any event, no signed final Obligation was submitted with the appeal and I gave the appellant until 15 January 2014 to conclude the process of obtaining the necessary signatures. That date was not met nor was any explanation given for the failure. Furthermore, the draft Unilateral Undertaking was fundamentally flawed in that it referred to Wokingham Borough Council, rather than Woking Borough Council⁵.

Other considerations

20. I have had regard to the claims made by the appellant concerning the need to enlarge the complex in order to create a viable scheme. However, as mentioned above, it has provided no detailed evidence to me to support that claim and I note that the Council has suggested that such details that have been available to it have contained flaws, though I have no details of that claim. Given such lack of clarity and evidence, it would be unreasonable for me to attach weight to the appellant's claims over viability, whether in respect of the whole of the scheme or limited to the affordable housing contribution.

Overall conclusion

21. I have had full regard to (i) the fact that this is an outline application, albeit noting the general form that the appellant has indicated, and (ii) the benefits that the scheme would bring by providing residential accommodation in an accessible location with many facilities immediately to hand. I also acknowledge the possible tension in the Council's policy CS3, which refers to a commitment to substantial development in the encouragement of "high density mixed use development within West Byfleet District Centre." However, that policy also requires that development must be well designed so as to be integrated into its context and to enhance local character.
22. For the reasons I have given, I consider that the scheme does not meet that requirement and would harm the character and appearance of this part of West Byfleet. In all it would conflict with policies CS3, CS21 and CS24 insofar as those policies relate to the need to successfully integrate new development into its surrounding context. For the same reasons, I conclude that the proposal would not be sustainable development as defined in the NPPF, because whatever its accessibility and economic credentials, it would be seriously harmful to the local built environment. These conclusions outweigh the lack of harm in respect of my second and third issues. That on the fourth is neutral in my decision.
23. I therefore dismiss the appeal

Ben Linscott

Inspector

⁴ The Officer's Report refers to a viability assessment having been provided to the Council at application stage for scrutiny by the Council's Consultant Valuer. However, neither the viability assessment nor the Valuer's commentary on it has been provided to me.

⁵ Had I not been minded to dismiss the appeal on the basis of the scheme's impact on the character and appearance of the area, I accept that the matter of the inaccurate Council reference could have been addressed.