

Appeal Decision

Site visit made on 25 October 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/C3620/W/16/3152952
31 Falkland Road, Dorking Surrey RH4 3AB

- 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 Daniel Coe against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0106/PLA, dated 20 January 2016, was refused by notice dated 24 March 2016.
 - The development proposed is a single-storey studio dwelling; revised reduced footprint further to application MO/2015/1765.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted revised plans with the appeal, which include changing the form of the roof of the proposed building from a mono-pitch to a dual-pitch.
3. It is only appropriate to take this amendment into account if no party would be disadvantaged. In *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37] it was held that the main criterion is whether the development would be so changed by such amendments that to grant permission would be to deprive those who should have been consulted of the opportunity of such consultation. The change proposed may have an effect on the living conditions of surrounding occupiers as well as the character and appearance of the area. In these circumstances, third parties who have been notified may not be aware of the revision. Thus, in accordance with the principles in *Wheatcroft*, the amended plan submitted with the appeal does not form part of my considerations below; my decision is based upon the same plans as those upon which the Council made its determination.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the street scene and on the character and appearance of the area;
 - whether the proposed development would make adequate provision for off-street parking, and the effect of any lack of provision, and;
 - whether or not the proposed development would make adequate provision for affordable housing.
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Reasons

Character and appearance

5. The area around the site is characterised by its street block layout in which street-facing houses are generally separated by their back gardens, and where gardens separate the houses from the footway.
6. The proposed development, by occupying what appears from the street as the back garden of No 31, would conspicuously disrupt this distinctive pattern of development. I note that the site is presently open and used for car-parking, and I have taken into account the bearing of the drive to 18 to 24 Falkland Road, and the small garden structures in some of the neighbouring back gardens in this context. However, the proposed development would appear distinctly at odds with the character of surrounding development, where the space behind street-facing housing is not occupied by further housing.
7. The site coverage of the proposal, by comparison to that of the neighbouring plots, would appear particularly great and would exceed substantially the ratio of the neighbouring plots, which would give the proposal the appearance of over-development. While there is no landscape design accompanying the proposal, the location of the bedroom and kitchen windows almost on the back edge of footway would be out of character with the neighbouring houses and the street scene where front gardens and some form of enclosure separate the dwellings from the footways.
8. The flat-roofed form of the roof of the proposal would be at odds with the distinctive, hipped, and gabled roof forms of the neighbouring housing. The siting and arrangement of the proposed building would leave little space for any garden and would have an awkward relationship between the existing garage building and the rear area of No 31, which appeared at my site visit to have bins stored on the plot and access routes to other development across it. The metal sheet covering proposed for the roof of the dwelling would be at odds with the roof materials of surrounding dwellings which tend to use slates or tiles.
9. I note the appellant's reference to extensions to buildings in the area. I have taken into account the variety of housing in the area, including the blocks of housing on Hampstead Road, however the distinctive topography, street layout, and architecture of the buildings around the appeal site determine the character upon which it would bear, and against which it would be distinctly at odds.
10. I conclude on this issue that the proposed development would harm the street scene and the character and appearance of the area. It would thus be contrary to Policy CS14 of the Mole Valley Core Strategy 2009 (CS) and saved Policies ENV22, ENV23, and ENV24 of the Mole Valley Local Plan 2000 (LP). These seek developments which respect and enhance the character of the area in which they are proposed, that avoid overdevelopment and a cramped appearance, and which are sensitive to the site in terms of scale, form, appearance and building materials.
11. It would conflict too with advice¹ in the Framework 2012 which suggests that development should respond to local character and respect the identity of local

¹ National Planning Policy Framework 2012, paragraph 58 and 64

surroundings and materials and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. It would be at odds too with the Planning Practice Guidance² which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

Off-street parking

12. I acknowledge the Council's concerns regarding the loss of the existing off-street parking spaces, and I note the objections from neighbours in this respect, but I have no evidence linking the use of the spaces which would be lost through the proposed development and the occupiers of No 31.
13. The proposal would provide sufficient space for off-street parking for a one bedroom dwelling, and I note that the highway authority does not object to the parking proposed or to its access. In respect of this issue and on the evidence before me, I conclude that the proposal would provide sufficient off-street parking for the development and that no harm would arise to the safety of highway users. There would be no conflict from the proposal with saved LP Policies ENV22, ENV24, and MOV2.

Affordable housing

14. One of the reasons for refusal relates to the lack of any contribution to affordable housing, as required under CS Policy CS4. The Policy requires that schemes of 1-9 dwellings should make a financial contribution equivalent to 20% so that affordable housing can be provided elsewhere.
15. A Written Ministerial Statement³ (WMS) was made on 28 November 2014 which stated that '*for sites of 10 units or less....affordable housing and tariff style contributions should not be sought*'. Its intention was to ensure that financial contributions should not become a disproportionate burden for developers of small sites and thereby frustrate housing supply. This was challenged in the High Court which resulted in a declaration Order being issued in August 2015 confirming that the policies in the WMS must not be treated as a material consideration. However, the Court of Appeal, in its judgment⁴ of 11 May 2016 upheld the Secretary of State's appeal, and the WMS should once again be considered as national planning policy defining the specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale development.
16. While I appreciate the position of the Council and accord significant weight to the objective of CS Policy CS4 in the light of the affordable housing need in its area, without any evidence to the contrary, and in the circumstances of this case, it does not outweigh Government policy. Accordingly, the absence of a planning obligation in this respect does not weigh against the proposal.

² Planning Practice Guidance, DCLG 2014 as amended, paragraph 007, ID 26-007-20140306

³ House of Commons: Written Statement (HCWS50) 28 November 2014

⁴ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

Other matters

17. My attention has been drawn to various other matters including traffic congestion and the living conditions of neighbours, but none of these matters leads me to a different overall conclusion.
18. The appellant considers that the Council is unable to provide a five-year supply of deliverable housing sites, whereas the Council contends that it has a supply of 6.6 years. However, on the evidence before me, and having regard to the provisions of paragraph 49 of the Framework, I am not convinced that the Council cannot demonstrate a five-year supply, in which case, its policies for housing should be considered up-to-date.
19. Even if there were a shortfall in housing supply, which would mean that policies for the supply of housing would not be up-to-date, the development plan policies referred to by the Council relate to the quality of development rather than strictly to the supply of housing. I therefore accord significant weight to these policies, which I consider to be up-to-date.
20. In any event, the proposal does not adequately address the environmental role of sustainable development as set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development. Even if the policies referred to above were considered to relate to housing supply, which I consider they do not, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development.

Conclusion

21. Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the unacceptable harm it would cause to the street scene and the character and appearance of the area, which is in clear conflict with the policies of the development plan as a whole. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR