
Appeal Decision

Site visit made on 24 October 2016

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: **1st November 2016**

Appeal Ref: APP/C3620/W/16/3153757
21 Clinton Road, Leatherhead KT22 8NU

- 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 Steven Archer-Hurst against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0539/PLA, dated 30 March 2016, was refused by notice dated 26 May 2016.
 - The development proposed is erection of dwelling with parking and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on the:
 - a) living conditions of the occupants of No 19 in relation to visual intrusion;
 - b) character and appearance of the host property and the surrounding area.

Reasons

Living conditions

3. The appeal site shares a boundary with No 19, a semi-detached house with a substantial rear projection. This projection is set in from the shared boundary with No 21 by approximately 2m. The dining room window looks out on the area between the projection and the boundary. Two small windows serving the kitchen look directly towards the appeal site. The proposed dwelling would be just over 1m from the shared boundary and would project further to the rear than the existing garage. Drawings submitted with the appeal indicate that it would breach the 45 degree horizontal daylight test and the 25 degree vertical test. However, in both cases the breach would be small. Nevertheless, in view of the position of the proposed dwelling, to the south-west of No 19, I consider that the occupants of this adjacent property would experience a perceived loss of light to these rooms.
 4. I note that on the basis of correspondence between the appellant and the Council, a kitchen is not considered to be a habitable room when assessing the effect of a scheme on daylight or sunlight. The appellant has drawn my attention to Supplementary Planning Guidance: *Design Guidance for House Extensions* (SPG) which appears to support this approach and also suggests
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that meeting the 45 degree 'rule of thumb' is usually likely to avoid problems of poor neighbouring outlook. However, this SPG is dated 2000 and appears to be out-of-date; it is not referred to in the Council's decision notice. I therefore give it little weight in my assessment of the proposal. In my view, a kitchen is often the hub of the home and can be used for a variety of activities in addition to the preparation and eating of food. To all intents and purposes it is therefore a habitable room and I consider any significant loss of light or outlook from it would be harmful to the quality of life of the occupants.

5. There are no windows serving the kitchen in the rear elevation of No 19; the only outlook is towards the shared boundary with No 21. Even if the light reaching these windows was reduced by only a small amount as a consequence of the development, it seems to me that the height and bulk of the proposed dwelling would appear overbearing for anyone standing at the kitchen sink. The outlook from the kitchen window would be reduced and the proximity of the scheme to No 19 would increase the sense of enclosure in this part of the house, making the kitchen a less pleasant place to be.
6. The neighbour has also expressed concern about the loss of privacy arising from the side-facing rooflight and the rear-facing dormer window in the proposed dwelling. The rooflight would be sufficiently high up in the roofslope to prevent harmful overlooking. The rear dormer would serve a bathroom and could be fitted with obscure glazing to protect the privacy of both the neighbours and future occupants. I am therefore satisfied that the proposal would not give rise to a material loss of privacy for the occupants of No 19.
7. Nevertheless, for the reasons given, I conclude that the proposal would be harmful to the living conditions of the occupants of No 19, arising from visual intrusion that would affect the kitchen. It would therefore be contrary to saved Policies ENV22 and ENV32 of the Mole Valley Local Plan (Local Plan), which seeks to protect the amenity of adjoining occupiers.

Character and appearance

8. Clinton Road is a residential street of mixed character, with dwellings of different eras, styles and sizes. The street includes some large villas, a variety of two-storey semi-detached houses and several different styles of bungalow. No 21 is one half of a pair of bungalows. It has recently been significantly extended at the rear and has had a loft conversion. The alteration of the hipped roof to a gable end has resulted in the loss of symmetry of the pair as a whole.
9. The proposed dwelling would be significantly narrower than either No 21 or No 23, and the hipped roof would be truncated due to the restricted width of the plot. The proposal would therefore not fully restore the symmetry of the roof. The main entrance of the new dwelling would be on the side elevation. This would be out of keeping with the surrounding properties, which are predominantly characterised by entrances in the front elevations. However, although these factors weigh against the scheme, in my view, the new hipped roof would significantly improve the overall appearance of the building when compared with its existing lop-sided shape. In addition, the extra bay window would complement the existing ones and would enable the proposal to be effectively integrated into the building as a whole. On balance, I am therefore satisfied that the proposal would not be harmful to the appearance of the host property.

10. Nos 1-19 are a series of semi-detached houses set in long narrow plots and separated by small gaps. This regular pattern changes at No 19 as there is a large gap between its flank wall and the shared boundary with No 21. Part of this area is currently occupied by a small garage with a pitched roof that projects just above the boundary. There is a similar, good sized gap between No 23 and No 25. However, this is partially filled with a garage and a flat-roofed side extension. In addition, there is no gap between the flank wall of No 25 and the common boundary. It therefore seems to me that the substantial and predominantly open gap between Nos 19 and 21 is atypical of the street scene.
11. The proposed dwelling would occupy almost the full width of this gap, leaving only 1m to the side boundary. However, this would result in the gap between No 19 and the new dwelling being comparable with the gaps between the existing pairs of semis elsewhere in the street. In view of the variety of style of dwelling in Clinton Road, I do not consider that the introduction of a terrace of three houses would appear unduly incongruous. Furthermore, the width of the side garden, combined with its depth, would provide a plot of comparable size with some others in Clinton Road. I am therefore not persuaded that the proposal would appear cramped on the site or be detrimental to the wider street scene.
12. I therefore conclude that the proposed dwelling would not be harmful to the character and appearance of the host property or the surrounding area. In these respects it would comply with Policy CS14 of the Mole Valley Local Development Framework Core Strategy and saved Policies ENV22, ENV23, ENV24 and ENV32 of the Local Plan. These policies require development to respect its setting, including the spaces around buildings, whilst having regard to the scale, character and proportions of the surrounding built environment.

Conclusions

13. The government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site lies within the urban area of Ashted and there is therefore no objection in principle to a residential development on the site, provided this can be achieved without harm to the local environment.
14. The proposal would be a small single dwelling that would help to meet identified local housing need. I have found that it would not be harmful to the character and appearance of the host property or the surrounding area. These factors weigh in the scheme's favour. However, I have concluded that the proposal would be harmful to the living conditions of the occupants of No 19 and in my view this harm would outweigh the benefits of the scheme.
15. For this reason, and having regard to representations made by local residents in respect of other matters such as traffic and disruption during construction, I find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden

INSPECTOR