
Appeal Decision

Site visit made on 11 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: 2ND November 2016

Appeal Ref: APP/C3620/W/16/3152861

Land to rear of 183 & 185 Barnett Wood Lane, Ashtead, Surrey KT21 2LP

- 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 Kevin Yates against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0026/PLA, dated 22 December 2015, was refused by notice dated 8 March 2016.
 - The development proposed is to erect a terrace of three houses (2 x 2 bed, 1 x 3 bed) at land to rear of 183 + 185 Barnett Wood Lane, Ashtead Surrey, fronting Taylor Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. One of the reasons the Council gave for refusing the application related to the lack of a planning obligation to secure a contribution towards affordable housing. This was required for the development to comply with Policy CS4 of the Mole Valley Local Development Framework Core Strategy and the Council's associated Supplementary Planning Document: *Affordable Housing*.
3. However, since this application was determined the Court of Appeal gave legal effect to the policy set out in the Written Ministerial Statement (WMS) of 28 November 2014 which stated that contributions should not be sought towards affordable housing from developments of 10 units or less. While acknowledging the weight of Policy CS4 and supplementary guidance, I also attach considerable weight to the WMS and the significant need to encourage more house building. Therefore, I do not consider that the lack of a planning obligation contributing towards affordable housing is a sufficient reason to reject the appeal proposal.

Main Issues

4. The main issues in the appeal are therefore the effects of the proposal on:
 - a) the character and appearance of the area;
 - b) the living conditions of the occupants of Nos 183 and 185 in relation to privacy;
 - c) the safety of road users arising from additional demand for parking.
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Reasons

Character and appearance

5. The appeal site currently forms part of the large L-shaped garden of No 183 Barnett Wood Lane. It has an access onto Taylor Road, a straight residential street characterised by pairs of semi-detached houses. This street has a strong sense of uniformity, consistency of style and use of materials. There is a clear building line with all the houses sufficiently set back from the street to allow parking within the front gardens. The pairs of houses, which are regularly spaced along the street, have rendered pebble dash elevations, distinctive red concrete tiled roofs and centrally placed chimneys. One side of the street has houses with pitched roofs, whilst those on the other side have hipped roofs. The only exception to this highly repetitive form is a pair of semis immediately opposite the appeal site, which were constructed more recently Ref: MO/2006/0393. These properties do not replicate the design of the established houses. Instead they have integral garages, a barn hip roof, part-brick, part-painted and rendered front elevations and different fenestration arrangements.
6. The proposed terrace of three dwellings would be approximately 15m wide. This would be wider than the pair of semis opposite. It would also be considerably larger than the pairs of semis that characterise the rest of the street, which are of the order of 10m wide and separated by gaps of about 3m. The proposal would therefore be a materially larger and more bulky building. In my view this would be out of keeping with the remainder of the street. As the road is exclusively comprised of pairs of semis, the introduction of a row of three terraced houses would appear incongruous, failing to take account of the scale, style and proportions of the surrounding street scene. I do not consider that the use of high quality materials would overcome these more fundamental concerns.
7. I appreciate that the appeal site's frontage is wider than that of the majority of pairs of semis in Taylor Road. It is also about 3m wider than the recently developed site immediately opposite, partly due to the presence of the electricity sub-station on the north-eastern side of the road. However, I do not consider the additional width of the site amounts to a justification for permitting a development of three dwellings in an area that is predominantly characterised by semi-detached houses.
8. The building would be sufficiently set back to allow provision of a single parking space for two of the dwellings and a tandem arrangement of two spaces for the third. However, this would restrict the space available for landscaping, particularly for the mid-terraced house. The amount of space around the building would also be restricted, especially at the rear, adding to the sense that the proposal would be out of proportion with the overall size of the plot. In my view the building would appear squeezed onto the site, resulting in the development as a whole appearing cramped.
9. My attention was drawn to recent developments of pairs of semi-detached properties along Read Road, a nearby street which is parallel to Taylor Road. Whilst these differed in style and design from the original semis in Read Road, they reinforced my view that the introduction of a terrace of houses in Taylor Road would fail to respect the character of that street. Development elsewhere along Barnett Wood Lane cannot be compared with the appeal proposal as the existing development along that road is of a different era and exhibits a greater variety of style and design.

10. Taking all these factors into consideration, I conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policy CS14 of the Mole Valley Local Development Framework Core Strategy (Core Strategy) and saved Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (Local Plan). All these policies require development to respect its setting, having regard to the spaces around buildings and taking account of the scale, character, bulk and proportions of the surrounding built environment.

Living conditions

11. The first floor windows in the rear elevations of the proposed dwellings would directly overlook a small part of the residual garden of No 185. However, other overlooking would be at oblique angles and would be at some distance from the habitable rooms and the area of garden immediately to the rear of the house. No 185 would retain a mature and well-proportioned garden that would continue to provide a high quality private amenity space for the occupants. I am therefore not persuaded that the proposal would give rise to harmful overlooking of the host property.
12. The occupants of No 183 have expressed concerns about the effects of the development on their house and garden in view of the proximity of the flank wall of the proposed dwellings to their rear boundary. As the proposal would be sited to the north of No 183, I am content that it could not give rise to any harmful overshadowing or loss of light. The expanse of brickwork and the bulk of the roof would make the garden feel more enclosed. However, I consider the garden is of a sufficient depth to ensure that the proposal would not appear unacceptably overbearing or materially affect the outlook from the habitable rooms of No 183.
13. These neighbours have also expressed concern about overlooking from windows in the south-eastern elevation of the proposed building. However, the drawings show that the proposed openings would be in the form of obscure glass blocks. These would prevent any direct overlooking and could be permanently retained as such through the imposition of an appropriate condition, if the development had been acceptable in all other respects. This would protect the privacy of the occupants of No 183.
14. I therefore conclude that the proposed development would not be harmful to the living conditions of the occupants of Nos 183 or 185 arising from any significant loss of privacy. In this respect the proposal would comply with saved Policy ENV22 of the Local Plan, which seeks to ensure that development does not significantly harm the amenities of neighbouring properties.

Parking provision

15. The proposal would provide one space for each of the two bedroom houses and two spaces for the house with three-bedrooms. This appears to be in accordance with the Surrey County Council's parking standards. Although the footnote to the standards suggests that it may be appropriate to consider increased provision where space permits, I note that the highway authority has not raised concerns about the proposed number of spaces.
16. Taylor Road is a cul-de-sac and is not subject to any traffic regulations order restricting on-street parking. At the time of my site visit there were vehicles parked along the street near the junction with Barnett Wood Lane, some of which would be lost as a result of the development. There was occasional on-street parking elsewhere in Taylor Road, but this appears to be self-regulated as a result of the use of front gardens as parking areas and the presence of numerous dropped kerbs.

17. I appreciate that the demand for parking is likely to be higher during the evening and at weekends than during the day. However, demand for parking over and above that which would be met from the proposed four spaces is likely to be small. It therefore seems to me that any excess demand for parking from the development, and vehicles displaced from the loss of existing on-street space, could be accommodated elsewhere along the street without causing unacceptable inconvenience or danger to other road users.
18. I therefore conclude that the proposal would not adversely affect the safety of road users as a result of additional demand for parking. In this respect the proposal would comply with saved Policy MOV2, which requires development to be compatible with the transport infrastructure and environmental character of the area. Although not cited in the Council's decision notice in relation to this reason for refusal, saved Policy ENV22 is also relevant since it requires development to provide safe access to the site and adequate parking to adopted standards. I am satisfied that the proposal would comply with these requirements.

Conclusions

19. 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, provided this can be achieved without harm to the local environment. I acknowledge that the proposal would provide three small units for which there is a known need in the area. The proposed dwellings would have adequate internal accommodation space to meet the needs of future occupants. I have also found that the proposal would not be harmful to the living conditions of adjoining occupiers or give rise to highway safety problems. These factors weigh in the scheme's favour.
20. However, for the reasons set out above, I have found that the proposed development would be harmful to the character and appearance of the area. The benefits that would accrue from the provision of three additional dwellings would not outweigh this harm and therefore the scheme would not be sustainable development in terms of the Framework.
21. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR