

Appeal Decision

Site visit made on 9 May 2016

by G J Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/C3620/D/16/3144695

40 Highlands Road, Leatherhead, Surrey, KT22 8NJ

- 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 Peter Mayor against the decision of Mole Valley District Council.
 - The application Ref MO/2015/1634/PLAH, dated 5 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is the formation of a new vehicular access (crossover) and car parking area at side of house; public footpath to be dish as appropriate.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the Leatherhead Conservation Area; and
 - The effect of the proposed development on highway safety.

Reasons

3. The front of the appeal site abuts Highlands Road, and accommodates a detached house. There is a small front garden separating the house from the front boundary of the site, and an enclosed yard area on the western side of the house. A pedestrian pavement runs along the front boundary, with a hedge separating this footpath from the carriageway. There is no vehicular access onto the site from the street. A narrow gap in the hedge in front of the adjacent property at 38 Highlands Road enables pedestrian access between the carriageway and pavement, via a short, stepped footpath. The proposed crossover would be located adjacent to the boundary with No. 38.

Character and appearance

4. The appeal site is within the Leatherhead Conservation Area. The Council's appraisal of the area¹ notes that some of the front gardens within the street and immediately surrounding area have been converted for vehicular parking. I noticed during my visit that although this was the case, my main impression

¹ *Leatherhead Conservation Area Appraisal and Management Plan: April 2010.*

of the area surrounding the appeal site was that the historic layout of the area had been largely retained, with front gardens being used for their original purposes, and a clearly delineated separation between properties and the street.

5. The urban development of Highlands Road becomes denser towards the west, with the character of the area around the appeal site appearing to transition between the town centre and the less dense area to the east. The appeal site and its neighbouring properties therefore have a suburban appearance, with front gardens and roadside hedges contributing to this impression. The slightly raised bank on which the hedge is sited contributes to the enclosure of the street. The hedge, although sparse in some parts and overgrown in others, remains almost unbroken along a continuous line of five of six houses, save for the pedestrian access breaks. However in the views of the hedge along the road, these gaps are narrow enough to not break the general visual continuity of the vegetation.
6. I appreciate that the appellant seeks to remove no more of the hedge than would be necessary to create an opening for the crossover, widening the existing small gap of the stairway pavement access, and to facilitate clear lines of visibility. However, in conjunction with the two other appeals for crossovers at 38 and 44 Highlands Road², which I am considering at the same time as this decision, the creation of openings for three new crossovers would remove a significant amount of the roadside hedge. These new gaps would be clearly noticeable, and their creation would alter the visual rhythm of the hedge past these properties, creating new voids that would lessen the enclosure of the street. This would be sufficient to change the Council's identified Victorian suburb character of this part of the street, which would be detrimental to the character and appearance of the Conservation Area.
7. I have taken into account the past creation of openings for crossovers to other properties in the street, but for the reasons above, I consider that the creation of three additional crossovers would harm this heritage asset. In the case of the appeal property, the double-width crossover that would be shared with the adjoining property at No. 38 would create a new, wide opening that would be incongruous within the street scene. The loss of the traditional front garden to a car parking area would also be incongruous, given that the majority of surrounding houses fully retain their front gardens. Despite the fact that an area of front garden would be retained, and although the appellant has suggested that suitable hard and soft landscaping of the crossover and car parking area would mitigate some of this impact, I do not consider that this would fully overcome this harm.
8. I therefore conclude that the proposed development would have a harmful impact on the Conservation Area, and would fail to preserve or enhance its character or appearance. The harm caused to the Conservation Area's wider significance as a heritage asset would be less than substantial as defined in paragraph 134 of the *National Planning Policy Framework*. I have considered whether any public benefits that would arise from the development, such as removing on-street parking demand, would be sufficient, on balance, to overcome the harm. However, this is not the case in this instance.

² Appeal refs: APP/C3620/D/16/3144686 38 Highlands Road; APP/C3620/D/16/3144701 44 Highlands Road.

9. The proposed development would conflict with *Mole Valley Local Plan* (2000) Policy ENV39 and *Core Strategy* (2009) Policy CS14. Together, these policies seek to ensure that new development respects and enhances the character of the area in which it is located, including the protection of important historical features.

Highway safety

10. Highlands Road inclines gently upwards past the appeal site, towards the east. Although the road has only gentle curves in the vicinity of the site, one of its two traffic lanes – that closest to the appeal site – is used for on-street parking along much of its length. In conjunction with the close enclosure of the carriageway by hedges, these factors contribute to poor visibility of the road edge outside the appeal site, when viewed from the position of drivers approaching the site from either direction. During my visit, I noticed some potential for conflicts between vehicles passing in opposing directions, along the parts of the road restricted to one usable lane. Some vehicles stopped to let others pass, while in one instance a moving car mounted the footpath on the side of the road opposite to the appeal site. Highlands Road is also used by service buses.
11. I have taken into account the highway safety representations from the Council and the appellant. I note the absence of previous traffic incidents in the vicinity of the site, and the road speed limit of 20 miles per hour. However, the proposed crossover access would traverse a change in level between the street and the property, which in conjunction with the verge placement of the hedge, and on-street vehicular parking, would restrict visibility between drivers of vehicles reversing from the property, and vehicles approaching along the road. This would lead to unsafe conditions with potential for additional vehicular conflict.
12. The pedestrian pavement is raised above the level of the carriageway. I noticed some existing dips in its route along the road, where existing crossovers were traversed. The combined new crossover of the appeal site and 38 Highlands Road would be sloped between the level of the property and the road, which would require a change in the level of the pavement, and sloped access at the pavement/crossover interfaces. Although this in itself would not necessarily be harmful to the pedestrian safety, in this case the presence of the hedges, the issues with visibility, the limited manoeuvring space and other visual obstructions, would combine to result in conditions which would be prejudicial to the safety and convenience of pavement users.
13. I therefore conclude that the proposed development would lead to conditions that would have the potential to be detrimental to highway safety. It would conflict with the Council's Local Policy MOV2 and the Surrey Transport Plan, which together seek to allow only development that would be compatible with the local transport environment, and the safety needs of highway users.

Conclusion

14. The development would conflict with the policies of the adopted development plan for the area. As such, it does not constitute sustainable development in accordance with the definition set by the *National Planning Policy Framework*.

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR