The Planning Inspectorate

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: 14 November 2016

Appeal Ref: APP/C3620/D/16/3144701
44 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 Andrew Morek against the decision of Mole Valley District Council.
- The application Ref MO/2015/1659/PLAH, dated 5 October 2015, was refused by notice dated 23 November 2015.
- The development proposed is for offroad parking and access; drop kerb to be installed; footpath lowered as adjacent neighbours profile (adjacent neighbour has drive).

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 semi-detached house. There is a small front garden separating the house from the front boundary of the site. A pedestrian pavement runs along the front boundary, with a hedge separating this footpath from the carriageway. There is currently no vehicular access onto the site from the street.

4. The adjacent property at 42 Highland Road has vehicular access via an existing crossover, which the proposed crossover would abut. The existing front garden of the appeal site would provide on-site parking and manoeuvring space for one vehicle.

Character and appearance

5. The appeal site is within the Leatherhead Conservation Area. The Council's appraisal of the area[1] 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. The front garden at No. 42 has been laid to gravel for use as a vehicle parking area, with a similar layout to that proposed for the appeal site.

6. The urban development of Highlands Road becomes denser towards the west, with the character of the area around the appeal site transitioning between the town centre and the less dense area to the east of the appeal site. The 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 for much of its length, save for the pedestrian access breaks, and the few crossovers that have been allowed previously, such as that serving No. 42. 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.

7. The proposal incorporates the removal of approximately 2.8 metres of the hedge, abutting the existing gap for the crossover at No. 42. As such, the existing gap of about 5 metres would be widened to approximately 7.8 metres. In views along the street, the widening of an existing large gap would have less of a visual impact than the creation of a wide new opening, such as the combined double crossover that was proposed at 38 and 40 Highlands Road. Two appeals for this proposal were recently dismissed[2].

8. The widening of the existing gap by around 50% would be noticeable within the street scene in front of the appeal site, but less so on the street approaches, where the extension of the opening would be almost imperceptible when viewed in conjunction with the existing opening. To the immediate west and east of the appeal site, the hedge is retained in relatively long runs, save for small openings accommodating pedestrian access. The hedge's height and location directly adjacent to the carriageway provides a strong sense of enclosure along the southern edge of this part of the street. These characteristics positively contribute to the character and appearance of this part of the Conservation Area, and they would be retained save for the loss of a small amount of the hedge.

9. The new crossover would enter the property onto an existing paved space occupying the front garden area between the house and the site's front boundary, and the proposal would not involve the loss of additional vegetation. The Council suggested that allowing the proposal would set a precedent for similar development along the street. However, this site has particular characteristics which are not replicated on the other parts of the street that I observed. Furthermore, it is likely the cumulative loss of additional or more obvious parts of the hedge would harm the character and appearance of the Conservation Area.

10. I therefore conclude that the proposed development would not have a harmful impact on the Conservation Area, and that its character or appearance would be preserved. I have given due consideration to whether there would be any harm caused to the Conservation Area's wider significance as a heritage asset,

[2] Appeal refs: APP/C3620/D/16/3144686 (38 Highlands Road), decision date: 11 November 2016; APP/C3620/D/16/3144695 (40 Highlands Road), decision date: 11 November 2016.

as defined in paragraph 134 of the *National Planning Policy Framework*, but consider that the impact is not harmful, for the reasons that I have set out above. Additionally, the proposed development would not conflict with *Mole Valley Local Plan* (2000) Policy ENV39 and *Core Strategy* (2009) Policy CS14, which together 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

11. 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, there is 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.

12. I am aware that a previous proposal for a crossover on the appeal site was considered to be acceptable by the County Highway Authority, Surrey County Council (SCC), which raised no objection in that instance. That application was refused by the Council[3]. In considering the current proposal, the SCC provided revised advice which recommended refusal of the application on the grounds that it would be prejudicial to highway safety. I appreciate that these differing opinions could be a source of confusion, but in this instance I am not aware of the full details of the previous proposal. In any case, having considered all of the evidence available to me, I agree with the professional opinion of the SCC, which has been issued in response to the particular circumstances of the appeal case before me. I have also taken into account the representations of the appellant and other interested parties on this issue.

13. I note the low incidence 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 the potential for additional vehicular conflict.

14. 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 existing and new crossover of No. 42 and the appeal site 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

[3] Council ref: MO/2014/0911

space and other visual obstructions, would combine to result in conditions which would be prejudicial to the safety and convenience of pavement users.

15. My conclusions on this issue are similar to those of the SCC and I am again minded to accept its advice. I appreciate that the proposal would replace an on-street car parking bay, thereby potentially reducing the potential for on-street conflict, but consider that any benefits would be outweighed by the potential harm that I have described above.

16. I therefore conclude that the proposed development would lead to conditions that could 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

17. Although I have found that the proposed development would preserve the character and appearance of the Conservation Area, I am concerned it could be harmful to highway safety. These concerns, significantly outweigh any absence of harm with regard to the first main issue.

18. 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*. 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