
Appeal Decision

Site visit made on 6 December 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 22 December 2016

Appeal Ref: APP/C3620/W/16/3157315

Larchmont, Skinners Lane, Ashstead KT21 2NN

- 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 Frank Taibi against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0580/PLA, dated 6 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is demolition of existing garage and sub-division of the site and construction of a new house, retaining the existing house. Resubmission of MO/2015/1303.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The main parties have stated that the appeal site lies within The Lanes character area of the Built-up Areas Character Appraisal¹ (SPD). However, the evidence before me indicates that the site straddles The Lanes and the Oakfield Road to The Marld; this has subsequently been confirmed by both main parties.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is rear garden land situated behind Larchmont, a detached bungalow accessed from a shared drive that leads to Skinners Lane. The layout of the plots behind dwellings fronting Skinners Lane indicates that Larchmont and its immediate neighbour (Questers) may themselves be previous backland development. I noted on my visit that several dwellings fronting Skinners Lane have been extended to occupy all or most of their plot width, and have limited lateral separation. However, generally these dwellings have reasonably generous plots to the rear, which contributes to a spacious character behind the Skinners Lane frontage.
5. The development would comprise the construction of a two-bedroomed detached dwelling accessed by creating a vehicular driveway where Larchmont's detached garage now stands. The dwelling would roughly align

¹ Mole Valley Local Development Framework, Adopted February 2010

with the garage of 7 The Mead and the dwelling of 8 The Mead. The Mead is a cul de sac extending into the backland area behind Skinners Lane, and all its dwellings are on generous plots.

6. The appellant argues that the appeal site is similar in size to its neighbours, and with regard to the proposed reduced plot of Larchmont and the adjacent Questers, and the two plots on either side of the squash club entrance, I would agree. However, the location plan² shows that generally plots associated with The Mead, Northfields and on the other side of Skinners Lane, are larger than that proposed here. In addition, the appeal plot extends further into the backland area behind Skinners Lane than either Larchmont or Questers, and in this backland area the underlying plot size is larger. This observation is reinforced by the positioning of the appeal site across two character areas, as noted above with regard to the SPD.
7. The Skinners Lane frontage falls with The Lanes character area. This includes the dwelling of Larchmont and part of its existing garden, as well as Questers, and is described as having irregular plot sizes and an informal almost jumbled layout. I disagree with the appellant that vast majority of the appeal site lies within The Lanes character area, as the proposed dwelling's footprint and rear amenity space would fall within the Oakfield Road to The Marld character area. The dwelling itself would also be viewed primarily in the context of the Oakfield Road to The Marld character area, and I give this significant weight.
8. The description of the Oakfield Road to The Marld character area states that the regular pattern of plot sizes means that higher density development stands out as a contrast, and may appear cramped by comparison with the existing mature residential environment. It also states that lateral separation provides a sense of spaciousness, and that buildings are subservient to their garden setting. I appreciate that the appeal site as a whole is only partly within this character designation, but it reflects my observations that this backland area generally presents a landscape of spaciousness and generous plots.
9. Although screened from Skinners Lane by a boundary hedge and the dwelling of Larchmont itself, the proposed dwelling and its limited rear garden would be very visible from the car park of the squash club, which abuts the appeal site on two boundaries, as well being visible from other dwellings. It would appear particularly close to its side boundary and this would not be offset by the overall plot size, as the depth of its rear garden, in comparison to the larger plots in the area, would appear very restricted.
10. I appreciate that there are other dwellings with limited distances to their boundaries in the vicinity, but generally they have more extensive areas of garden in front of or behind the dwelling, than that proposed here. Furthermore, the alignment of those dwellings is consistent with the underlying building pattern, which would not be the case here.
11. The appellant has drawn my attention to an appeal for an extension at Red House Nursing Home³. The Inspector concluded that the more intensive plot development did not imply there would be harm to the character of the area, as views would be limited and glimpses of the development would be well-screened by existing buildings and planting. In addition, it falls within The

² Dwg. LSL/434/011

³ APP/C3620/A/11/2155633

Lanes character area where a tighter development pattern is a characteristic. The development before me would not be well-screened. The appeal site would be highly visible from within the backland area which has a lower underlying building density.

12. The appellant has drawn my attention to recent development at 7 The Mead, notably the construction of a large garage and store. However, the garage is single storey and is well separated from nearby dwellings. As such, it does not appear to cause a localised increase in building density.
13. My attention has also been drawn to a previous appeal in Fetcham⁴ where the Inspector considered the distance between a dwelling and its side boundaries. However, this appeal was determined before the adoption of the SPD or the Core Strategy and is in a different character area of the SPD. Consequently, the sites are not comparable and have a different planning context. I give this argument little weight. I also acknowledge that there has been recent development of varying size in the locality, and that there is a tight building pattern along Skinners Lane. However, this does not affect my reasoning.
14. As such, I conclude that the proposed dwelling would be cramped and dominant on the site and would represent overdevelopment due to the limited size of the plot. It would also lack screening from other buildings and consequently would be prominent and appear out of keeping with the character of this backland location.
15. Policy CS14 of the Core Strategy⁵ (CS) requires that new development must respect and enhance the character of the area in which it is proposed; as noted above, the key characteristics of this area include buildings being subservient to their garden setting and a regularity of plot size that contributes to coherence of character. The SPD also notes that this mature residential environment is more homogeneous than other character areas in Ashstead and consequently it is of particular importance that local characteristics, and the aims of Policy CS14 (CS), are respected.
16. I also conclude that the development would be contrary to the aims of Policy ENV24 of the Local Plan⁶ (LP) which allows development only where it would not result in a cramped appearance having regard to the general space of buildings in the locality.
17. It is argued by the appellant that lesser weight should be given to LP Policies ENV22 and ENV23 as the effect of the development on the living conditions of occupiers of neighbouring dwellings is not a determinative issue. However, both of these policies outline tests in relation to design and context as well as consideration of amenity. Accordingly, I give them full weight and conclude that the development would also be contrary to Policy ENV22 (LP) which requires development to be appropriate to the site in terms of scale and form as well as to respect the character and appearance of the locality, and Policy ENV 23 (LP) which requires development to have respect for its setting, and states that developments will not be normally be permitted where it is considered they would constitute overdevelopment of the site by reason of

⁴ APP/C3620/A/08/2080771

⁵ Mole Valley Core Strategy, adopted October 2009

⁶ Mole Valley Local Plan, adopted October 2000

scale, height, or bulk or in relation to the boundaries of the site and surrounding developments .

Other matters

18. A neighbour has expressed support for the scheme in order to ensure the site does not become overgrown or untidy. However, the garden is not poorly maintained at present and the ongoing maintenance of land which, notwithstanding the recently erected boundary fence, is within the curtilage of Larchmont is beyond the scope of this appeal. Furthermore, concerns in this respect do not justify the construction of an additional dwelling. As such I give this argument no weight. Nor is whether the existing garage is worthy of refurbishment of relevance to this appeal, as is not a determinative factor in whether an additional dwelling should be built to the rear of Larchmont.
19. The development would require the replacement of the front garden of Larchmont with hard-surfacing as well as the creation of a driveway alongside its flank wall to access the development. Although I appreciate the Council's concerns that the juxtaposition of increased hard standing and the proposed drive would be cramped, it would not very visible from Skinners Lane and as such I give this argument limited weight.
20. It is argued by the appellant that the construction of the development would contribute towards sustainable construction and renewable energy sources. However, no evidence is provided to demonstrate how far this would be in excess of what is required under current building regulations and what is increasingly standard practice regarding the installation of roof-mounted solar panels. It is also argued that the development would meet the Lifetime Homes Standards but this was replaced by new housing standards in March 2015⁷. Consequently, I give these arguments little weight.
21. I also appreciate that there are policies promoting the provision of smaller dwellings in the emerging Ashstead Neighbourhood Plan, and other policies within the CS. However, the benefit to be gained from one modest dwelling would not be outweighed by the harm I have identified above. I also disagree with the appellant that CS Policy CS14 states that making the best possible use of land available is as important as respecting and enhancing the character of the area. The policy goes on to state that the SPD will be used to assist the decision making in this respect. My reasoning above has concluded that the SPD indicates that the development would be detrimental to the character and appearance of the area.

Conclusion

22. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

⁷ Written Ministerial Statement 25 March 2015