The Planning Inspectorate

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: 06 January 2017

Appeal Ref: APP/C3620/W/16/3157456
204 Barnett Wood Lane, Ashstead, Surrey KT21 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission for the extension to the time limit for implementing a planning permission.
- The appeal is made by Mr Bob Wiles against Mole Valley District Council.
- The application Ref MO/2016/0372, is dated 4 March 2016.
- The development proposed is loft conversion and alteration to create two flats.

Decision

1. The appeal is dismissed and planning permission for loft conversion and alteration to create two flats is refused.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there is no formal decision from the Council, it has considered the proposals, and indicated that had it been in a position to determine the application it would have refused permission. The Council's concerns include the effect of the development on the character and appearance of the area, the living conditions of occupiers of neighbouring dwellings and that the existing flat is insufficiently large to create two self-contained dwellings. On the basis of the evidence before me I see no reason to disagree with those concerns.

3. Both main parties are agreed that a contribution towards affordable housing is no longer required as the relevant Written Ministerial Statement (WMS) has been reinstated following a Court of Appeal judgement. Consequently, I have not considered it in my reasoning.

Main Issues

4. The main issues are:

   - the effect of the development on the character and appearance of the area;
   - the living conditions of occupiers of neighbouring dwellings, with particular regard to privacy; and
   - whether the development would have regard to local and national policies in respect of the subdivision of dwellings.

Reasons

Character and appearance

5. The appeal property (No 204) comprises a two-storey building with two shops at ground floor level and one first floor flat. The arrangement of hipped roofs on each half of the building gives the appearance of a pair of attached dwellings with shops on the ground floor. No 204 is located within a row of mixed retail, service and food outlets with no predominant building form or style, but with an overall scale reflective of the two storey dwellings on the opposite side of Barnett Wood Lane. The existing building makes a contribution, albeit understated, to the domestic scale of the row of shops and by virtue of its position opposite the entrance to Read Road is also highly visible in long views along that road.

6. The development would replace the two hipped roofs with a gable ended structure with a continuous pitched roof to the front and a mansard to the rear. It would increase the roof's overall height and significantly increase its mass across the width of the building. It would also simplify the roof's profile against the skyline. This would make No 204 more dominant in the street scene and its roof would appear disproportionately bulky compared to the smaller scale and varied design of roofs to the left. I appreciate that there is a gable ended building to the right of No 204, but it is a building of limited depth compared to the appeal before me, which would have a significant flat section behind the front roof slope. This would render the development's appearance considerably more bulky when viewed obliquely.

7. Policy CS 14 of the Core Strategy[1] (CS) states that all new development must respect and enhance the character in which it is proposed, whilst making best possible use of the land available and that this will be assisted by the character appraisal[2] (SPD).

8. The appeal property lies within the Woodfield designation of the SPD. The built environment is described as having a generally modest scale, with buildings of predominantly one or two storeys and a variety of styles that creates a harmonious and varied environment. The SPD includes the parade of shops in its consideration of the periphery of the Woodfield open space, and states that there is an attractive balance of modest buildings in varied styles with no individual building or style being over-dominant. The appellant notes that there is nothing in this document which precludes the proposed development, but I disagree as the development would dominate the varied styles and modest scale of the row of shops.

9. For these reasons I find the development would be in conflict with Policy CS14 (CS) as outlined above, and also contrary to the aims of Policy ENV24 of the Local Plan[3] (LP) which seeks to ensure development is of appropriate density compared to its surroundings. The proposal would also be contrary to LP Policy ENV22 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 LP Policy ENV 23 which requires development to have respect for its setting.

[1] Mole Valley Local Development Framework, Core Strategy DPD, adopted October 2009
[2] Built-up Areas Character Appraisal, 2010; Statement of Case, Section 4.6
[3] Mole Valley Local Plan, adopted October 2000

Living conditions

10. There is a modest detached dwelling (2b Glebe Road) situated to the rear of No 204. It is some 17 metres from the rear elevation of the existing first floor flat at No 204, and the garden of 2b Glebe Road is currently overlooked. However, the development would add an additional floor of accommodation, as well as an additional unit and I consider that the increased occupation of No 204 would increase the level of overlooking. This would have a detrimental effect on the living conditions of occupiers of 2b Glebe Road, particularly as the evidence before me indicates that there are French doors and a window to a breakfast room on the open plan ground floor facing No 204. Whilst I appreciate that there is currently some loss of privacy from overlooking, the addition of another storey and an additional flat to No 204 takes it beyond acceptable tolerances in this regard.

11. This development would therefore be contrary to LP Policy ENV22 which states that the design and layout of development should not significantly harm the amenities of the occupiers of neighbouring properties by reasons of overlooking.

Sub-division of dwellings

12. LP Policy HSG8 states that the subdivision of dwellings will be permitted where the development to be converted has more than 7 habitable rooms. The existing layout of No 204's first floor flat indicates that it has 6 habitable rooms. This policy also states that the number and density of the new units would not be such as to have a harmful effect on the surrounding area, and the residential amenities of adjoining properties. There is nothing in the evidence before me to indicate that I should not give LP Policy HSG8 full weight and as such I consider the development would fail to meet its criteria, by virtue of insufficient habitable rooms as well as the harm identified above in relation to the character and appearance of the area, and the effect on the living conditions of occupiers of 2b Glebe Road.

Other matters

13. The appellant states that the existing roof configuration, with the central valley gutter and proximity of a neighbouring building makes access for maintenance difficult. Whilst I appreciate that a lack of maintenance may be contributing to dampness within the building, I am not satisfied that this justifies rebuilding the entire roof structure, particularly when the building is only two storeys high. Furthermore, the age of the neighbouring building suggests this has been the situation for some time.

14. The Council has stated that although the development would have no off-road parking provision, it is located in an area with good access to local services and public transport and as such this would be acceptable. On the basis of the evidence of the before me I see no reason to disagree with this view.

15. I appreciate that there are policies promoting the provision of two and three bedroom dwellings in the emerging Ashstead Neighbourhood Plan, and as well as other policies within the CS[4]. However, the emerging Neighbourhood Plan also requires such provision of smaller dwellings to be visually integrated with

[4] Policies CS1, CS2 and CS3

their surroundings[5]. Section 7 of the National Planning Policy Framework (the Framework) also requires good design and encourages applications which take opportunities to improve the character and quality of an area. In this regard I have found that the development would not comply with the provisions of the Neighbourhood Plan or the Framework. In addition, the benefits to local housing provision from a net gain of one two-bedroomed flat would be very limited and would not outweigh the harm I have identified above.

Conclusion

16. 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

[5] Statement of Case, Section 4.10