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## Appeal Decision

Site visit made on 16 January 2017

**by Nicola Davies BA DipTP MRTPI**

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

**Decision date: 25 January 2017**

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**Appeal Ref: APP/C3620/W/16/3160974**  
**55 Kennel Lane, Fetcham KT22 9PQ**

- 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 Brian Harcombe against the decision of Mole Valley District Council.
  - The application Ref MO/2016/1094/PLA, dated 6 July 2016, was refused by notice dated 4 October 2016.
  - The development proposed is demolition of the existing dwellinghouse and replacement with two dwellinghouses with associated access, parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. My attention has been drawn to Certificate A of the planning application form having been signed and completed instead of Certificate B. The appellant's statement indicates that the owners of the property are resident at this address. The completed Certificate A has been accepted by the Council. Nonetheless, I am satisfied that those with an interest in the land are aware of the proposed development.

### Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on: -
  - (a) The character and appearance of the area; and
  - (b) The living conditions of adjoining and future occupiers.

### Reasons

#### *The character and appearance of the area*

4. The area is residential in character and the dwellings range from chalet bungalows to large two-storey dwellings with rooms in the roof and are of mixed design styles. Whilst in the wider context there are some examples of cul-de-sac type development set behind road frontage properties, in Kennel Lane the dwellings generally front onto the highway, are set back behind large front gardens and have long rear gardens. The landscaped gardens to the front and rear of properties contribute to the spacious character of the area.
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5. One of the proposed dwellings would replace the existing dwelling with a larger property in a slightly different position to that of the existing. Although it would be positioned in close proximity to the north western boundary, a side driveway leading to plot 2 within the back garden of the appeal site would maintain a separation to the south eastern boundary. There are variations in spaces between dwellings along the south west side of Kennel Lane and, in this respect, I do not consider the positioning of the replacement dwelling (plot 1) to be significantly different to that of existing properties.
6. I acknowledge that two modest dwellings of the footprint proposed with rear gardens could be achieved at the appeal site. However, the siting of plot 2 within the existing rear garden would create two plots of significantly smaller size and introduce built development adjacent to the south eastern boundary at the rear of the site. Both plots would have a significantly smaller rear gardens to that of the prevailing character of the area. Furthermore, the close proximity of the proposed dwellings to one another is constrained and not comparable to the space between properties in the area. I therefore consider the proposed development would be a constrained development out of keeping with the spacious character of development in the area.
7. I appreciate that the General Permitted Development Order may enable extensions to be added to the existing dwelling and outbuildings erected within the grounds. However, I have no evidence that would indicate a clear intention by the appellant to implement such rights. For this reason, I attached limited weight to the existence of such potential residential development taking place within the grounds as a justification for a development of the size and scale and in the location proposed. Despite this being the least used part of the existing rear garden, I must consider the appeal scheme that would create a new detached dwelling to the rear of the appeal site on its own merits.
8. I am aware of a cul-de-sac development at The Oaks to the south east of the appeal site where a collection of dwellings are positioned behind surrounding road frontage development. In addition, further south east along Kennel Lane there are a number of properties also behind the existing road frontage dwellings. I am unclear as to circumstances behind these developments. However, the separation between existing dwellings in these areas is greater with the properties having longer rear gardens than those in the vicinity of the appeal site. Therefore, these developments are not directly comparable to that of the appeal site.
9. My attention has been drawn to an approval of a detached bungalow at land to the rear of 77-79 Lower Road, Fetcham (planning permission ref MO/2015/1384/PLA). This proposal related to a single-storey dwelling within a plot of similar size to other plots close by. The footprint and size of the dwelling, along with the garden area and space around it, is also similar to that of adjoining existing development. Although this proposal incorporated a driveway between existing dwellings this was considered acceptable to the Council in this particular case. I have also been directed to an outline development at 10 The Ridgeway, Fetcham (planning permission ref MO/2015/0305/OUT). This again was for a single-storey dwelling. The depth of the plot enabled a greater separation between front and rear dwellings to that here and would provide a good sized garden area for the new dwelling. In that case consideration of existing mature boundary vegetation applied which is not the case here. These proposals related to different sites in which different

circumstances apply. The proposed development is, therefore, a different scheme and should be considered on its own merits.

10. For the above reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposed development would be contrary to Policy CS14 of the Mole Valley Local development Framework Core Strategy (the Core Strategy) and Policies ENV22, ENV23 and ENV 24 of the Mole Valley Local Plan (the Local Plan) which seek development to respect the setting, character and appearance of the locality and resists development that would be of cramped appearance, amongst other matters. The proposed development would also be contrary to the aims of paragraphs 17 and 56 of the National Planning Policy Framework (the Framework) that seek to secure high quality design.

*The living conditions of adjoining and future occupiers*

11. The proposed chalet bungalow (plot 2) would be significantly taller than the existing fence that separates the appeals site from No 53 Kennel Lane and would incorporate a substantial length of flank elevation that would be positioned very close to this common boundary. The expanse of flank wall would impinge upon the outlook of the occupiers from their rear garden. In addition, the proposed dwelling would overbear this adjacent garden area. As a result the proposed development would be a visually dominant and an overbearing development creating a harmful visual intrusion to the living conditions of the occupiers of No 53.
12. The proposed driveway access to plot 2 would run adjacent the southern boundary of the appeal site and extend deeper into the appeal plot than the existing driveway at the site. I consider the creation of a longer access would result in the increased vehicular and pedestrian movements by occupiers of this new household and service providers adjacent No 53 in close proximity to their side yard and back garden. I consider the proposed access would, therefore, be used more intensively throughout the day and into the evening. Vehicle noise and associated disturbance, even if limited to two cars for this household, would impinge on the quite tranquillity enjoyed by the adjacent occupiers to an unacceptable degree.
13. The Council indicates that there would be 16m separation between plots 1 and 2. The replacement dwelling (plot 1) would be two-storey with first floor bedrooms with outlook toward plot 2. Whilst some views of habitable rooms of plot 2 would be possible I consider the separation would be adequate to prevent harmful overlooking. The rooflights serving the first floor living space of the chalet bungalow (plot 2) would direct outlook toward the sky. An appropriate boundary treatment could be put in place around plot 1 to prevent mutual overlooking between dwellings at ground level. I therefore consider the proposal to be acceptable in this respect.
14. For the above reasons I conclude that the proposal would be harmful to the living conditions of adjoining occupiers. The proposed development would be contrary to Policy CS14 of the Core Strategy and Policies ENV22, ENV23 and ENV 24 of the Local Plan which seek to prevent significant harm to the amenity of the occupiers of neighbouring properties and provide a satisfactory environment for occupiers of new development, amongst other matters. The proposed development would also be contrary to the aims of paragraphs 17 of

the Framework that seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Other Matters**

15. It is acknowledged that the appeal site is in a sustainable location and would contribute one additional dwelling to the District's housing supply. The principle of residential development in this location is acceptable to the Council and would make use of previously developed land in a well-established residential area close to services and facilities. I accept that the existing dwelling at the appeal site is in a dilapidated condition and the proposal would facilitate its replacement with a dwelling that is environmentally energy efficient built to current Building Regulations. The proposal is also considered acceptable in terms of its architectural design and appearance for this context. The existing trees along the front boundary of the site partly screen views of the site from the public highway. However, these benefits would not outweigh the harm that I have identified above when assessed against the Framework as a whole.
16. The appellant has raised the issue of an affordable housing contribution although notes that this did not form part of the Council's refusal. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further.
17. A number of residents close by have raised other concerns in relation to the proposal but in view of my conclusions on the main issues, there is no need for me to address these in the current decision.

### **Conclusions**

18. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR