

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

Appeal Ref: APP/C3620/W/16/3158687

**Land adjacent to 165 Cobham Road, Fetcham, Leatherhead, Surrey
KT22 9JD**

- 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 Chris Green against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0274/PLA, dated 17 February 2016, was refused by notice dated 17 August 2016.
 - The development proposed is described as "two semi detached residential units comprising two stories (sic), one parking space, cycle storage, garden".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has put forward an amended plan, reference 344P1(20)P01 RevE. The plan shows the removal of first floor windows in the side elevations. This additional information has been produced to inform the appeal process. This information does not significantly change the proposal and, as such, the plan would not, in my view, prejudice the interests of third parties. For this reason I have had regard to this plan.

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 occupiers.

Reasons

The character and appearance of the area

4. The area is of mixed character. The appeal site is positioned at the centre of Fetcham local shopping centre. The site is abutted to its north west by a detached two-storey flat development and to the south east by a row of similar two-storey semi-detached dwellings that are set back from the highway behind front gardens and have long rear gardens. In the wider context the area is
-

- predominantly residential in character with dwellings, in the main, set back from the highway behind front gardens with long rear gardens.
5. The proposed development would create two plots of significantly smaller size than those residential properties in the wider locality and that of the row south east of the appeal site. Whilst the proposed development would have spaces between it and the adjoining existing developments and incorporate driveways at either side of the proposed dwellings, the footprints of the proposed dwellings and driveways would take up most of the available space within the appeals site and would leave little outdoor garden space to the rear of the dwellings. The proposed development would create two plots of cramped layout that would not reflect the pattern of the existing residential development in the area.
 6. The gable end roof form and hanging tiles on the frontage would differ to those of the semi-detached properties to the south east of the appeal site which comprise hipped roofs and are finished with pebble or painted render. However, the flat development to the north west hosts a gable roof and is constructed of red brick, as is the two-storey terrace opposite which comprises commercial units with residential flats above. Notwithstanding these design issues, the proposed development would be out of character with the size and layout of other semi-detached properties in the locality and would be out of keeping with the prevailing pattern of development in the area.
 7. My attention is drawn to the existing flat development that adjoins the appeal site at its north western side (No 165 Cobham Road) which is positioned close to its side boundaries. Although the appeal site is located within the village centre, the proposal is for two semi-detached properties. The proposal, therefore, relates more closely to the existing development to the south east rather than that of the existing flats.
 8. I am also referred to a dwelling approved by the Council at 153 Cobham Road (application reference MO/2013/0160). Whilst this permission allowed for a detached dwelling to be erected in close proximity to the side boundaries of the site, this site is significantly larger than that of the appeal site with space to the front and rear. The development also related to a single detached dwelling and, therefore, is not directly comparable to the development being considered here. The appeal before me relates to a different site and therefore can and should be considered in its own right.
 9. For these 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 ENV24 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 occupiers

10. The dwelling to the south east of the appeal site, No 163 Cobham Road, has a less conventional arrangement to that of surrounding properties in that its

associated garden is to the side of the property. The proposed development would create a two-storey development north west of the enclosed private garden relating to this property. Although the proposal would set the development away from the common side boundary behind a driveway, the expanse of flank wall would impinge upon the outlook of the occupiers. In addition, the proposed dwelling would overbear the adjacent garden area. As a result the proposed development would be a visually dominant and overbearing development creating a visual intrusion that would harm the living conditions of the occupiers of No 163.

11. Although some overshadowing of part of the garden of No 163 would take place over the course of the day, in my judgement the effect would be quite limited, given the separation of the proposed development from the side boundary.
12. The appellant has submitted a revised plan removing the proposed first floor windows. The amendment would avert outlook toward the side garden of No 163 thus preventing potential harm in respect of overlooking and privacy and avoid the need for a planning condition. Whilst this would remove this particular concern this does not overcome those other concerns discussed above.
13. For these 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 ENV24 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 paragraph 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

14. The appellant's comment that due to the Green Belt review no longer being pursued Mole Valley Council is required to provide all new dwellings within the main settlements. It is acknowledged that the appeal site is in a sustainable village location and the principle of residential development in this location is acceptable to the Council. The proposal is also considered satisfactory to Surrey County Council Highways and the Council in terms of parking provision. However, these benefits would not outweigh the harm that I have identified above when assessed against the Framework as a whole.

Conclusions

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

Nicola Davies

INSPECTOR