
Appeal Decision

Site visit made on 17 January 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 10th February 2017

Appeal Ref: APP/C3620/W/16/3155634

3 Parkers Lane, Ashted KT21 2AT

- 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.
 - The appeal is made by Mr J Forsyth against Mole Valley District Council.
 - The application Ref MO/2016/0663PLA, is dated 20 April 2016.
 - The development proposed is demolition of existing garage and erection of one detached house with surface parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of one detached house with surface parking at 3 Parkers Lane, Ashted KT21 2AT in accordance with the terms of the application MO/2016/0663PLA, dated 20 April 2016, and subject to the conditions in the attached schedule.

Preliminary Matter

2. Within its appeal questionnaire documents, the Council sets out what its reasons for refusal would have been had it been in a position to determine the application. These relate to the proposal's impact on the setting of the adjacent Grade II listed building, the character and appearance of the area and residential living conditions.

Main Issue

3. The main issues are:
 - i) The effect of the proposed development upon the character and appearance of the area,
 - ii) The effect upon the setting of the adjacent Grade II listed building (3 Parkers Lane),
 - iii) Whether the proposal would provide for appropriate living conditions for the future occupiers of both the proposed dwelling and the occupiers of 3 Parkers Lane, with particular regard to the provision of private outdoor amenity space.
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Reasons

Character and appearance

4. The site is within an area of existing residential development consisting largely of detached and semi-detached properties of varying forms and designs. The Ashted (The Village) Built-Up Areas Character Appraisal Supplementary Planning Document recognises the tight-knit form of existing residential development, with varied and interesting streetscenes.
5. The appeal proposal would lead to the subdivision of the existing plot with the proposed dwelling located adjacent to the western boundary of the site, resulting in the loss of part of the currently open garden space to the west of the listed building. Whilst this is one of the few open spaces apparent within the vicinity of the site, it has limited amenity value and taking account of the mixed pattern of existing development in the area, I do not consider that its loss would result in any harm to the overall character and appearance of the area.
6. Although more modern development is located to the west, given the context of the appeal site within an area of generally mixed development, I give only limited weight to the contribution made by the appeal site in providing a buffer between the more modern suburban development to the west and the more historic development to the east.
7. The proposed dwelling would be set back from the front of the site and would be of a modest height and massing, with a cottage-like appearance. Its siting and design would ensure that it would not appear as being out of place amongst the mixed forms of development existing in the vicinity of the site.
8. The plot sizes of dwellings in the area in the vicinity of the site are mixed. Whilst some dwellings are located within reasonably sized plots, others are located within smaller plots with limited garden areas. The appeal proposal would result in the existing and proposed dwellings having small garden areas. Nevertheless, taking account of the close knit form of a substantial amount of surrounding development and the modest size of the proposed building, I do not consider that the resulting plot sizes would result in the development appearing as unacceptably cramped or overdeveloped.
9. The proposal would therefore not result in any significant adverse effects upon the character and appearance of the area. It would accord with the relevant design aims of policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 ('the Local Plan') and policy CS14 of the Mole Valley Core Strategy 2009 ('the Core Strategy') and the Framework.

Setting of the listed building

10. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the setting of a listed building.
11. The proposed detached house would be located within the existing side garden area of 3 Parkers Lane. Nos. 1 and 3 Parkers Lane are semi-detached Grade II listed buildings. Whilst nos. 1 and 3 Parkers Lane would have originally enjoyed an open landscaped setting, this has been significantly eroded by subsequent surrounding residential development.

12. The site did not originally form part of the curtilage of 3 Parkers Lane. This reduces its historical significance in association with the listed building. Whilst it has been part of its curtilage for a long period of time, it is not clearly apparent in views from Parkers Lane that it has any strong visual or physical association with the existing dwelling. The existing row of conifers running broadly parallel to the house also create a visual separation between the house and the majority of the adjacent open garden space.
13. The siting of the proposed dwelling adjacent to the site's west boundary would retain a substantial visual separation from the listed building. Whilst there is a slight rise in ground level, the proposed design of the proposal would limit its overall bulk and massing, creating a dwelling with a cottage-like appearance including low eaves levels and a hipped roof. Furthermore, the positioning of the dwelling would be substantially behind the front building line of 1 and 3 Parkers Lane.
14. This, along with its modest height and scale, would ensure that it does not dominate or inappropriately compete with the listed building in views looking from the west along Parkers Lane and from the east, including views from the nearby conservation area. With the use of appropriate materials, which can be secured by condition, I am satisfied that the proposal would sit comfortably adjacent to the listed building at 3 Parkers Lane without detriment to its setting.
15. The proposal would result in two parking spaces being located adjacent to the listed property along with the likelihood of other domestic paraphernalia. However, such features would be typical of the surrounding residential area. I do not consider that the extent of the proposed parking area or any domestic paraphernalia located close to the listed building would be of such dominance as to detrimentally affect its setting. The proposal also provides areas of landscaping that would help to create a suitable setting for both the proposed dwelling and the adjacent listed building.
16. With regards to paragraph 137 of the National Planning Policy Framework ('the Framework') I do not consider that the appeal proposal would enhance or better reveal the significance of the heritage asset. Its effect would be neutral in this respect. Nevertheless, for the reasons set out above, the development would not harm the setting of the listed building. In the context of the Framework, a proposal that does not harm the setting of a listed building, notwithstanding that it does not enhance or better reveal its significance, are able to be permitted.
17. For the above reasons, I do not consider that the proposed development would harm the setting of the Grade II listed building. It would be in accordance with paragraph 32 of the Framework which requires great weight to be given to the conservation of designated heritage assets, including their setting. The proposed development would also comply with the relevant heritage aims of policy CS14 of the Core Strategy and the Framework.

Living conditions

18. The proposal would result in both the proposed and existing dwelling (3 Parkers Lane) having small areas of outdoor amenity space. Nevertheless, the outdoor spaces proposed, despite being small, would provide for usable areas for the

occupants of the dwellings, allowing for sitting out, drying of washing, gardening or other outdoor uses.

19. The proposal would therefore provide a satisfactory living environment for existing and future residents in accordance with the relevant amenity aims of policies ENV22 of the Local Plan 2000 and the Framework.

Other matters

20. Whilst I note the existing traffic and parking conditions raised in neighbours' representations, the increased traffic associated with this proposal for one new dwelling would be very modest, I do not consider that it would result in any significant highway safety implications. Sufficient parking would be provided for both the proposed dwelling and 3 Parkers Lane. Taking account of the limited traffic movements likely to be associated with the proposal, I also do not consider that it would result in any adverse issues for traffic accessing into or exiting from the driveway opposite at 2 Parkers Lane.

Conditions

21. I have attached conditions limiting the life of the planning permission. A condition specifying the approved plans is required for the avoidance of doubt and in the interests of proper planning. Tree protection, landscaping and external material conditions are all necessary in order to safeguard the character and appearance of the area along with the setting of the adjacent listed building. Details of the ground floor level of the proposed dwelling are also necessary for these reasons and also to order to safeguard the living conditions of the occupiers of the neighbouring properties.
22. The conditions I have imposed relating to parking and access are necessary in order to safeguard highway safety and local highway conditions. I have not imposed the Council's suggested condition on pedestrian visibility splays as it appears to include areas outside the control of the appellant. The Council's other suggested condition on vehicular visibility splay is also not precise regarding the extent of visibility splays required. Nevertheless, I have altered this condition to require all visibility splays to be approved by the local planning authority, allowing such matters to be resolved between the parties. I do not consider that the condition requiring the closure of the existing access is necessary as this is located in the same position as one of the proposed accesses.
23. A surface water drainage condition is required in order to provide satisfactory drainage of surface water and to promote sustainable drainage within the urban area. I have not included the Council's suggested requirement for the scheme to provide at least a 10% reduction in carbon emissions as the condition is imprecise due to there being no defined baseline from which to measure the reduction and it is not consistent with national policy set out in the Ministerial Statement of 25 March 2015.
24. Conditions 3 requires details to be approved before development takes place. It is necessary in this case as it has implications for the positioning of the slab level of the proposed dwelling.
25. I have made minor alterations to the wording of some conditions suggested by the Council in order to be precise, but these do not alter the essence of such conditions.

Conclusion

26. I find that the proposed development would accord with the development plan and there are no material considerations which indicate that permission should not otherwise be granted. Having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: P201, P202, P203, P204, P205, P206 and S102.
3. No development shall take place until full details of the finished level, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
4. No development shall take place above ground level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. The dwelling hereby permitted shall not be occupied until the proposed vehicular accesses to Parkers Lane have been constructed in accordance with the approved plans and with vehicle and pedestrian visibility splays the details of which shall have been previously submitted to and approved in writing by the local planning authority. Thereafter the approved visibility splays shall be kept clear of any obstruction measured from 1m above the road surface.
6. The dwelling hereby permitted shall not be occupied until parking spaces have been laid out within the site in accordance with the approved plans. Thereafter, the parking spaces shall be kept available at all times for the purposes of parking.
7. The dwelling hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version). Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters.
8. Prior to the commencement of any construction works:
 - a) Tree protection fencing shall be erected and maintained in full around each tree or tree group to be retained in the vicinity of the development operations, in accordance with the recommendations for tree protection areas given in the current British Standards 5387 (Trees in relation to design, demolition and construction) and as indicated within the Arboricultural Report (Ian Keen Ltd, Ref: AP/8837/WDC) unless otherwise agreed in writing by the Local Planning Authority.

- b) No burning shall take place in a position where the flames could extend to within 5 metres of foliage, branches or trunk or any tree or group to be retained on the site or land adjoining having regard to the size of the fire and wind direction.
 - c) No trenches, pipe runs or drains shall be dug within 4 metres of any trunk of any trees retained on the site or land adjoining unless otherwise previously agreed in writing by the local planning authority.
 - d) No materials, plant, machinery or structure shall be placed or operated within the tree protection area nor at any time shall alterations to ground levels be carried out unless otherwise previously agreed in writing by the local planning authority.
9. The dwelling hereby permitted shall not be occupied until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the occupation or completion of the development (whichever is the sooner). Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise approved in writing by the local planning authority.