

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/16/3159139

Westbourne House, 13 Horsham Road, Dorking RH4 2JL

- 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 Richard Nordgreen (Chancery Developments) against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0696/PLA, dated 22 April 2016, was refused by notice dated 9 August 2016.
 - The development proposed is 'demolition of existing garage and erection of new detached dwelling with associated parking spaces and landscaping on underused land to the rear of 13 Horsham Road. Also demolition of existing front extension and side steps to existing house'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposed development upon the character and appearance of the area,
 - ii) Its effect upon the living conditions of the occupiers of neighbouring residential properties (with particular regard to privacy and outlook) and whether it would provide for satisfactory living conditions for future occupiers of the proposed dwelling itself, and
 - iii) Whether the proposal would contribute towards a balanced housing provision.

Reasons

Character and appearance

3. The land to the rear of properties on Horsham Road slopes upwards meaning the proposed development on the appeal site would be prominent in views of the site from the surrounding area, including from the rear gardens of properties fronting Horsham Road. However, development on higher ground to the rear of existing properties is already a characteristic of the area, particularly to the south of the appeal site.
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4. The three storey part of the proposed dwelling would be broadly in line with existing residential development to the south of the site. Although the adjacent terrace of dwellings are only two storeys, the three storey proposal is proposed to be constructed at a lower level, resulting in its eaves level being similar to the adjacent terrace and its roof height being slightly lower.
5. The proposal also includes a two storey element which would project significantly forward of the main three storey portion of the building. Whilst this would be partly constructed into the existing slope, its bulk and massing would mean that it would still be prominent in views of the site, projecting obtrusively forward of the remainder of the building. The area to the north of the site is free of substantial buildings and those existing terraces of dwellings to the south are linear in form without significant projecting forward elements. I consider that the projecting forward part of the proposed building would appear as visually intrusive and dominating in its surroundings, significantly detracting from the appearance of the development as a whole within the context of the surrounding area.
6. Whilst there is an existing building in the rear garden of the appeal site, it is single storey and therefore not visually intrusive within its surroundings.
7. The proposed alterations to the front of the existing property, including the removal of the flat roofed single storey front extension, would enhance the appearance of this building in the streetscene. I have given this moderate weight in favour of the proposal. However, there appears to be nothing to prevent such alterations being carried out independently of the proposed development to the rear. In any case I find that such alterations do not outweigh the harm I have identified above regarding the appearance of the proposed building.
8. The proposal would therefore result in a detrimental impact upon the character and appearance of the area, contrary to the design aims of policy CS14 of the Mole Valley Core Strategy 2009 ('the Core Strategy'), policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 ('the Local Plan') and the National Planning Policy Framework.

Living conditions

9. Given the gradient of the site, notwithstanding that it would be excavated into the ground, the proposed dwelling would be at a higher level than existing properties fronting on to Horsham Road. The rear garden of 14 Horsham Road extends to the boundary of the appeal site. The first and second floor bedroom windows in the front elevation of the proposed dwelling would be located close to this boundary and would result in clear overlooking into the rear garden of 14 Horsham Road. The proposed first floor living/dining room windows in the south elevation of the two storey forward projecting part of the proposed dwelling would also add to the overlooking of No.14's rear garden. Although the rear garden is quite long and there would be a substantial distance to its rear windows, I consider that the overlooking of the garden area would lead to an unacceptable loss of privacy for the occupiers of this neighbouring property.
10. The two storey part of the proposal would also contain a front facing living room window that would look towards the remaining rear garden of 13 Horsham Road. Despite the separation to the rear boundary of the resulting

rear garden along with landscaping, this would be lead to the overlooking of No.13's rear garden.

11. Whilst there is some existing overlooking of gardens from neighbouring properties, the proposed development would introduce significantly increased and direct overlooking as described above from positions at the rear of existing gardens. I consider that this would result in unacceptable impacts upon the privacy of the adjacent neighbouring referred to above.
12. The two storey front projection of the proposal would adjoin the side boundary of the garden to 12 Horsham Road. Whilst the land slopes upwards to the rear, due to its siting immediately adjoining this garden, its substantial bulk and massing would appear as unacceptably overbearing in the outlook from the rear of No.12 and its garden. This would be to the significant detriment of the living conditions of the occupiers of this property.
13. Whilst the proposed dwelling would be prominent when viewed from the garden and front windows of 12 Harrowgate Gardens, I consider the separation distance to the development would be sufficient in this instance to prevent it from appearing as unacceptably overbearing in appearance or resulting in any significant loss of light. In terms of privacy, whilst there would be some limited overlooking towards the garden and windows of 12 Harrowgate Gardens, given the positions of the proposed windows, I do not consider that the overlooking would so direct as to result in unreasonable loss of privacy for the occupiers of the neighbouring property.
14. There would be no habitable rooms facing towards the rear garden of New Clan House and, given the large size of the rear garden at this property and the distance to the house itself, I do not consider any unacceptable impacts would result in relation to either privacy or outlook.
15. The Council has also raised concerns in its reasons for refusal regarding the amenities provided for the future occupants of the proposed dwelling, though this matter is not specifically referred to in the Officer's report. There is sufficient outdoor amenity space provided as part of the proposal and based on the evidence before me, I consider that the proposal would provide for a satisfactory living environment for future occupiers.
16. I conclude on this issue that the proposed development would result in significant impacts upon the living conditions of the occupiers of neighbouring properties on Horsham Road, resulting from the loss of privacy to rear garden areas and, in the case of no.12, an unacceptable overbearing appearance. The proposal would therefore be contrary to the amenity aims of policy ENV22 of the Local Plan.

Balanced housing provision

17. Policy CS3 of the Core Strategy seeks to provide for a balanced housing market. In doing so it particularly seeks the provision of two and three bedroomed dwellings. The supporting text to the policy also states that there is a demand for four bedroomed properties.
18. The appeal proposal is a four bedroomed dwelling though the Council's reason for refusal refers to it as a four/five bedroom dwelling, presumably as there is a study proposed that could alternatively be used as a single bedroom.

19. Whilst Policy CS3 is clear in seeking to provide a greater proportion of two and three bedroomed dwellings, it does not specifically rule out the provision of other dwellings with more or less bedrooms. On a larger scheme with a greater number of dwellings proposed it is likely that this policy could be more determinative in seeking an acceptable balance of housing sizes. However, where a single dwelling is proposed as in this case, I do not find any material harm to arise from the provision of a larger dwelling type. This is particularly so as the policy appears to be based on a housing needs study that dates back to 2007. I have not been provided with any more up to date evidence from the Council on housing need, or the housing types that have been completed since the policy.
20. For these reasons, from the information before me I do not consider that the proposed development would result in any material harm in relation to the aims of policy CS3 of the Core Strategy to achieve balanced housing provision.

Other matters

21. The appellant is concerned about the consistency of advice provided by the Council. However, this is a procedural matter which if necessary should be raised with the Council away from this appeal. It has no bearing on the main planning merits of the proposed development.
22. I also note that other applications for development of the site have been previously submitted to the Council but do not find that such submissions are of any significant relevance to my consideration of this current appeal proposal.

Conclusion

23. I have found that the proposed development would not result in any significant harm to the Council's aim of achieving a balanced provision of housing. However, it would result in harm to the character and appearance of the area and the living conditions of the occupiers of neighbouring residential properties. That harm is the overriding consideration.
24. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR