The Planning Inspectorate

Appeal Decisions

Site visit made on 23 January 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 22 February 2017

Appeal A: APP/C3620/W/16/3160091
Land at rear of1 Keswick Road, Fetcham, Surrey KT22 9HQ.

- 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 Airborne Properties Ltd against the decision of Mole Valley District Council.
- The application Ref MO/2016/1050/PLA, dated 29 June 2016, was refused by notice dated 25 August 2016.
- The development proposed is the erection of a new dwelling.

Appeal B: APP/C3620/W/16/3160100
Land at rear of 1 Keswick Road, Fetcham, Surrey KT22 9HQ.

- 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 Airborne Properties Ltd against the decision of Mole Valley District Council.
- The application Ref MO/2016/1049/PLA, dated 29 June 2016, was refused by notice dated 1 September 2016.
- The development proposed is the erection of 3 new dwellings.

Decisions

1. Appeal A is allowed and planning permission is granted for the erection of a new dwelling at 1 Keswick Road, Fetcham, Surrey KT22 9HQ in accordance with the terms of the application, Ref MO/2016/1050/PLA , dated 29 June 2016 subject to the conditions set out in the schedule to this decision.

2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals which relate to different parts of the rear garden to 1 Keswick Road. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document.

4. I have taken the site address from the Council's Decision Notice as this is more accurate than the version provided on the Application Form.

Main Issue

5. The main issue in both appeals is the effect of the development upon the character and appearance of the area.

Reasons

6. Collectively the appeal sites comprise the majority of the rear garden to No 1, a large detached residence set in an extensive plot that extends away from the property in a south-easterly direction. In the case of Appeal A, the site includes the formal garden area to the rear of No 1. The site is mainly laid to grass and has a close visual relationship to the host dwelling. In Appeal B, the site encompasses a larger tract of former garden land beyond Site A and sandwiched between existing houses on Oaklands and Ridgelands. It is overgrown and covered in brambles and other scrub and is mostly inaccessible. Mature landscaping on the site boundaries affords little visual exposure of the site from Keswick Road, Oaklands or Ridgelands.

7. The wider area is residential in nature and distinguished by detached houses occupying generous plots of varying shape and size. This settlement pattern along with the presence of large numbers of mature trees and landscaping within plots are principal components of the locality. These features lend the area a spacious and verdant quality which is reflected in the Council's "*Built Up Area Character Appraisal*" (the CA) which in the case of South Bookham refers to stretches of lower density housing, mature gardens and a mix of housing designs. In this regard the garden to No 1 being essentially an undeveloped green space makes a positive contribution to the character and appearance of the area identified in the CA.

8. However to my mind No 1 occupies a transitional location where there is a subtle change in character away from the lower density housing that prevails to the south particularly along Keswick Road to a slightly more intensive settlement pattern. This is due to both the encroachment of higher density housing and back-land development into the area. Of particular influence is the Church Close estate which encircles the majority of Site B and a back-land development to the rear of properties fronting Lower Road known as The Laurels. As a consequence, the plot size of No 1 is something of an anomaly as its depth and overall size significantly exceeds anything else in the immediate area.

9. The Council's reason for refusal refers to the creation of a back-land form of development. However, whilst such development could hardly be described as ubiquitous, there are numerous examples in the immediate vicinity, The Laurels being a case in point. It is also germane that there is nothing in the policies cited by the Council or in the "*National Planning Policy Framework*" (the Framework) that precludes back-land development per se.

10. In Appeal A it is proposed to construct a 3-bedroom bungalow served via an extension to the existing driveway serving No 1. Given its orientation relative to No.1, its set-back from the roadside and the level of intervening landscaping, the dwelling would not be prominent in public views. Adequate parking and private amenity space would be retained for the occupiers of No 1.

11. In my opinion, the bungalow would be set in generously from its site boundaries with adequate separation to neighbouring dwellings. The amount of outdoor amenity space would be proportional to the size of the dwelling and the Council have not pointed to any local standards that might be breached in this regard. Whilst perhaps the overall plot size/ratio would be smaller than Nos 3-7 Keswick Road, it would be within the range found elsewhere in the vicinity namely 1B Keswick Road, those properties on the south side of Lower

Road, The Laurels and Ridgelands. Consequently, the layout would not be visually or spatially cramped.

12. The appellant points out that the Council did not object to an identical bungalow which formed part of a larger scheme covering both appeal sites[1] in 2015. The Council argue it resiled from its previous support for the bungalow on account of a recently dismissed appeal at 50 Keswick Road[2]. However, I draw a clear distinction between that scheme and the one before me. Firstly No 50 is located some distance to the south-west where I have already noted there is a preponderance of larger plots. Moreover, the scheme at No 50 involved the erection of a bungalow on a smaller plot with less separation to site boundaries and adjacent dwellings.

13. Although I acknowledge there are trees within the appeal site, most are low quality and would be removed. The Council has subsequently confirmed that it has no objection to the scheme in this regard. Those Category B and C trees within the site and adjacent gardens would be retained. Whilst there may well be some overshadowing of the garden by these trees, I am not persuaded on the evidence before me that this would result in unacceptable living conditions for future occupiers. Nor is it a comparable scenario to No 50 where the dwelling would have been sited at close quarters to a substantial bank of tall evergreen trees. Accordingly, I find that the No 50 scheme is not directly comparable to the one at hand and therefore the Council's position can garner little support from it.

14. Based on the foregoing, I conclude that in respect of Appeal A the proposed development would not harm the character and appearance of the area and would accord with Policy CS14 of the "*Mole Valley Core Strategy 2009*" (the CS) which, amongst other things, stipulates that all new development must respect or enhance the character of the area whilst making the best possible use of the land available. The development would also accord with Saved Policies ENV22, ENV23 and ENV24 of the "*Mole Valley Local Plan 2000*" (the LP) which largely reiterate the requirement of Policy CS14 and the aims and objectives of the Framework.

15. Turning to Appeal B, permission is sought for 3 large, two-storey family dwellings accessed from a new shared driveway connecting to the turning head on Ridgelands. Consequently, all three plots development would be seen in the context of Ridgelands or Oaklands in respect of Plot 3. The Council's opposition to the scheme is based on over-development of the site and harm to the street scene.

16. Ridgelands is a planned estate development which although more modern than Keswick Road inherits many of the same essential characteristics. Plot 1 would respect many of these aesthetic sensibilities. It would be well proportioned in relation to its plot and its detailed design would be compatible with neighbouring properties. The generous set-back, amount of private amenity space and orientation would all respect its surroundings and in my view would successfully round off the head of the cul-de-sac.

17. I am however less satisfied with the layout and siting of Plots 2 and 3. Both would occupy smaller and narrower plots and would address the new private

[1] MO/15/1886
[2] APP/C3620/W/15/3136048

driveway as opposed to Ridgelands. Although 'cramped' might be an excessive description, there is little doubt that the development of the southern half of Site B in the manner proposed would lead to a more close-knit pattern of development than prevails typically along Ridgelands. In my view this would represent a conspicuous departure from the established settlement pattern and hence character of Ridgelands. The size of the dwellings as well as the awkward relationship of Plot 3 to Oaklands would compound the feeling of too great a building mass for each plot and, cumulatively with both dwellings, the southern half of the appeal site.

18. I therefore conclude that the proposal in Appeal B would unacceptably harm the character and appearance of the surrounding area, contrary to Policy CS14 of the CS and Saved Policies ENV22, ENV23 and ENV24 of the LP. Finally there would be conflict with the aims of the Framework in terms of the need to ensure that development responds to local character, reflects its surroundings and adds to the overall quality of the area.

Other Matters

19. I have had regard to all the other matters raised including highway safety, parking, flooding, loss of privacy & light, inadequate refuse and emergency vehicle access, pressure on local facilities and loss of wildlife habitats. Whilst I can well understand the concerns of local residents, I have not been supplied with sufficient evidence to dispute the Council's conclusions on these matters.

Conditions

20. In Appeal A the Council has suggested 14 planning conditions. I have considered these against the advice in the "*Planning Practice Guidance"* (PPG). In some instances I have amended the conditions in the interests of brevity and to ensure compliance with the PPG.

21. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved plans, as these provide certainty. A condition relating to external facing materials is necessary to ensure the satisfactory appearance of the development. As no details are shown on the submitted plans with regards to boundary treatments, I have imposed a condition requiring approval of these details to protect the privacy of adjoining occupiers. A condition regarding surface water drainage is necessary in the interests of flood prevention. I have however omitted the Council's condition 5 as this deals with matters that can be dealt with under the wider drainage scheme. A condition relating to the renewable and low carbon energy sources is necessary to comply with Development Plan sustainability objectives in these areas. A condition relating to the provision of the access, parking and turning area is necessary to ensure the development does not result in off-street parking close to the Keswick Road/Lower Road junction. Finally, conditions requiring the development to be carried out in accordance with the Ecological and Arboricultural Reports are necessary to protect wildlife habitats and trees on the site.

22. Paragraph 200 of the "*National Planning Policy Framework*" states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. Similarly, the PPG advises that conditions restricting the future use of permitted development rights *"will rarely pass the test of necessity and should only be used in exceptional*

circumstances". On the limited justification before me, I am not persuaded that the Council has demonstrated that such circumstances apply in this instance. The Council's condition 11 is erroneous since the existing access to Keswick Road is to be retained. I am not persuaded that a Construction Transport Management Plan is required for a development of this scale given the limited construction period. In view of the above, I have omitted the Council suggested conditions 6, 7, 11 and 14 accordingly.

Conclusion

23. For the reasons given above and taking into account all other matters raised, Appeal A is allowed and Appeal B is dismissed.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01, PL02, PL03, PL04, PL05, PL06, PL07 and PL08.

3) No work on the superstructure of the dwelling hereby permitted shall take place until details and samples 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. Development shall be carried out in accordance with the approved details.

4) Prior to first occupation, a scheme of boundary treatments shall be implemented in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments so implemented shall thereafter be permanently retained as such.

5) Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include details of hard surfacing within the site as well as an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

   The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include percolation tests, calculations and controlled discharge rates.

   The approved drainage scheme shall be implemented prior to the first occupation of the development.

6) No work on the superstructure of the dwelling hereby permitted shall take place until details to reduce the carbon emissions of the predicted energy use of the proposed development by at least 10% through the on-site installation and implementation of decentralised and renewable or low carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the dwelling.

7) The access, parking and turning areas shown on the approved plans shall be constructed prior to first occupation of the dwelling hereby approved and shall be retained thereafter.

8) The recommendations set out within the applicant's Ecological Assessment by PJC Consultancy and submitted in support of the application shall be carried out in full.

9) The development hereby permitted shall be carried out in full accordance with the AP Arboriculture Arboricultural Report Ref: APA/AP/2016/109 dated 24 June 2016 including all measures to protect trees on site and ground protection measures.