

Appeal Decision

Site visit made on 31 January 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/C3620/W/16/3160856

1 St Paul's Road West, Dorking RH4 2HT

- 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 K Kiriharan against Mole Valley District Council.
 - The application Ref MO/2016/1203, is dated 25 July 2016.
 - The development is conversion of 2 x semi-detached dwellings to provide six flats.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The application form gives the applicant's name as Mr K Kiriharan although on the appeal form the name is Mr K Kiritharan. It is normal practice for the name used on the application form to be used on the appeal decision and therefore I have done this in the banner heading above.
3. As I saw during my visit, the property has already been converted to flats and therefore the appeal seeks retrospective approval for the change of use. The appellant has indicated that the conversion involved no external alterations because the previous works to extend the properties were undertaken utilising permitted development rights. I have therefore determined the appeal solely on the basis of the change of use.
4. The Council submitted comments on the appeal outside of the appeal timetable. On the basis of the appellant's comments about the timing and scope of new evidence I have not taken into account the Council's additional comments in my decision.

Main Issues

5. The officer report on the appeal scheme identified two reasons for refusal had the Council been in a position to determine the application. These provide the basis for the first two main issues. Following my visit to the appeal site I have added a further main issue. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of Elmside, Horsham Road with particular reference to privacy;
 - the effect of the proposed parking arrangements on highway safety in St Paul's Road West; and
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- whether the development provides acceptable living conditions for occupiers with particular regard to the standard of accommodation.

Reasons

Living Conditions of Neighbouring Occupiers

6. The appeal site comprises two adjoining semi-detached houses on the corner of St Paul's Road West and Horsham Road. Both properties have been extensively enlarged with rear single-storey additions, hip to gable roof extensions and extensions to the rear roof slopes.
7. The appeal seeks permission for the conversion of the two houses into six flats arranged as two three-bedroom flats on the ground floor of each building, two one-bedroom flats on the first floor and two studio flats on the top floor within the roof space.
8. Policy HSG8 of the Mole Valley Local Plan, 2000 (the Local Plan) permits the subdivision of dwellings provided that they meet a number of criteria. One of these is that the number and density of the new units would not be such as to have a harmful effect including on the residential amenities of adjoining properties.
9. Policy ENV22 of the Local Plan establishes general development control criteria including ensuring that developments do not significantly harm the amenities of the occupiers of neighbouring properties including by reason of overlooking.
10. The appeal scheme does not involve any change in the position or number of windows when comparing the use of the properties as flats as against two family houses. In each case the distance between the rear elevation of the appeal properties and the neighbouring property to the north, Elmside would remain the same.
11. Notwithstanding the fact that the ground floor flats have bedroom windows in the northern elevation, at first and second floor levels the north facing windows serve the main living and kitchen areas and such rooms can be expected to be used more intensely than bedrooms in a large family house. Moreover, the studio flats are only served by north facing windows as the rooflights in these units only serve storage areas. I therefore find that the layout of the flats and resultant intensity of use as flats results in an unacceptable degree of overlooking from the windows of the appeal properties to Elmside.
12. The appeal property looks out onto the flank wall of Elmside which contains ground floor and first floor windows. The primary windows serving the main habitable rooms are on the eastern and western elevations of Elmside. Nevertheless I find that the number and elevated position of the windows in the appeal properties results in an adverse impact on the privacy of the occupiers of Elmside and that there is a material difference between the impacts arising from the use of the properties as six flats compared with the use as two family houses. Moreover having 12 windows which are all fairly large facing Elmside would also in my view increase the perception of overlooking.
13. I therefore find that the use of the properties as six flats adversely affects the privacy of the occupiers of Elmside and results in an increased perception of overlooking which is harmful to the living conditions of those occupiers contrary

to Policies HSG8 and ENV22 of the Local Plan which seek to protect the residential amenities of adjoining properties.

Parking

14. To the front of the appeal property is a blockwork driveway which provides two parking spaces whilst to the side of 1 St Paul's Road West is an area providing parking for two cars in a tandem arrangement. Whilst tandem parking can be acceptable in some situations, in this case where the spaces would relate to occupiers of different flats such an arrangement is unlikely to be workable. Moreover, parking in tandem restricts access to the side door of the ground floor flat of no.1. Consequently in my view only three of the four spaces identified would be useable. I also consider that the likely occupancy levels of the flats and vehicle ownership of occupiers of flats would result in a materially greater parking requirement than for two family sized houses.
15. The appeal site has an edge of town centre location and therefore local facilities are accessible on foot or by public transport. The appellant stated that this location minimises the need for dependency on private vehicles. Nevertheless the Surrey County Council Vehicular and Cycle Parking Guidance, 2012 recommends a minimum of one parking space per flat in such a location.
16. Notwithstanding the appellant's comment that the parking standards are normally considered as maxima to discourage car use I consider that three on-site parking spaces to be insufficient for a six unit scheme incorporating two three-bedroom flats in this location. The appellant has suggested that a condition could be attached to the grant of planning permission to limit occupiers' car ownership but I do not consider a condition would meet the requirement of enforceability as set out in the National Planning Policy Framework (the Framework).
17. In the absence of adequate on-site parking residents can be expected to park on-street. St Paul's Road West provides limited spaces because of parking restrictions as do both Horsham Road and Townfield Road. Based on my observations during my visit I consider that there are limited parking spaces available locally and considerable pressure on available spaces as indicated by the common form of parking with two wheels on the footway. Notwithstanding the limited number of extra vehicles involved, I consider that it would be difficult to accommodate the additional off-street parking arising from this development without giving rise to issues of highway safety.
18. The appellant commented that the properties could become Houses in Multiple Occupation with up to six persons sharing common facilities in each house, without the need for planning permission and therefore with no controls over parking. However, I consider that such a change could give rise to reduced car ownership levels and parking requirements compared with the current scheme, given the circumstances of occupiers of shared houses and therefore I attach limited weight to this fall-back position.
19. Accordingly, I find the development to be contrary to Policy MOV2 of the Local Plan which seeks to manage the movement implications of development and Policy MOV5 which applies the County Council's car parking standards having regard to the appellant's requirements, road safety implications and the accessibility of the location to means of travel other than the private car. The development is also contrary to Policy HSG8 of the Local Plan which permits

the subdivision of dwellings provided that parking provision is made to the currently adopted standards. Moreover, it is also in conflict with the Framework which seeks to ensure that development does not give rise to highway safety concerns.

Living Conditions for Residents

20. On the basis of my observations during the site visit it is not clear whether the units and in particular the three bedroom flats provide the amount of accommodation which would be expected for the number of people occupying them. The appellant indicated that the residential units meet the Nationally Described Space Standards. However, I do not have agreed measurements for the floor areas of each unit but as I am dismissing the appeal for other reasons I have not pursued this matter with the parties.

Other Matters

21. Other concerns raised by neighbouring residents include that the proposal is out of character with the area, provides no affordable housing and would result in the loss of family housing. However, based on the information before me, these matters would not constitute reasons to refuse planning permission and dismiss the appeal.
22. The appellant has indicated that the flats are now subject to Council Tax and have met the requirements of the Council in terms of housing and environmental health. Reference was also made to the presence of other flatted developments in close proximity but I do not know the circumstances in which they were developed or the policies which applied at the time of their consideration. However, I have determined the appeal on the basis of its planning merits.
23. In support of the proposal the appellant has also indicated that the flats provide additional accommodation particularly involving small units. Nevertheless these matters do not outweigh the adverse impacts of the scheme and conflict with relevant policies of the development plan.

Conclusion

24. For the reasons set out above, and taking into account all other matters raised, planning permission is refused and the appeal is dismissed.

Kevin Gleeson

INSPECTOR