
Appeal Decision

Site visit made on 16 May 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 12th June 2017

Appeal Ref: APP/C3620/W/17/3166517

1 Paddock Close, Beare Green, Dorking, RH5 4QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Julie Stewart against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1157/OUT, dated 11 July 2016, was refused by notice dated 31 October 2016.
 - The development proposed is described in the application form as "outline application for 1 attached 2 bedroom end of terraced house attached to 1 Paddock Close in the side garden owned by 1 Paddock Close. Parking space for 1 Paddock Close to be allocated to the new house. 1 Paddock Close to retain garage en bloc. Application to turn front grass area of 1 Paddock to 1 off road parking space".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for subsequent approval. The plans submitted with the application included a block plan, floor plans and elevations. I have treated these as illustrative plans. In this case I consider that significant weight can be attached to the illustrative plans because the proposal is for an extension to the existing terrace with a 2 bedroom house. Having regard to the size and configuration of the site it seems likely that any such house would be similar to that shown on the illustrative plans in terms of siting, scale and the need for a rear-facing window at first floor level.
3. The appeal form states that the appeal was made following a failure to determine the application within the appropriate period. However, as the appeal was made well after the Council issued its decision notice, I have treated the appeal as an appeal against that decision.

Main Issues

4. The main issues are the effects of the proposal on (i) the character and appearance of the area and (ii) the living conditions on the occupiers of 3 Greenfields Place with particular regard to privacy and outlook.

Reasons

Character and appearance

5. Paddock Close is a row of modest terraced properties. It sits within an area of residential dwellings which has developed over time and as a result provides a mixture of dwelling houses in terms of their design and scale. Areas of open space including gardens and hard landscaping provide gaps in the built form. The garden of No 1 Paddock Close is relatively generous in size compared to others nearby and as such makes a positive contribution to the spacious quality of the layout. The garden wraps around the side and rear of the property, separating the terrace that includes No1 from an adjoining terrace and a detached property (No 3 Greenfields Place) to the rear.
6. The proposal would have the effect of extending the existing terrace some four metres or so, thereby significantly eroding the sense of space at this point. This would be harmful to the spacious quality of the layout and would detract from the character and appearance of the area.
7. Accordingly I conclude that the proposal conflicts with Policy CS14 of the Mole Valley Core Strategy 2009 which seeks to ensure development respects and enhances the area, and fails to comply with saved Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 in so far as they seek to ensure that the design of development takes account of the surrounding built environment, the space around buildings and the character and appearance of the area.

Living conditions

8. The back garden of 3 Greenfields Place abuts the back garden of the appeal site. Along the boundary is fencing and some vegetation, which assists in providing a form of screening between 1 Paddock Close and 3 Greenfields Place.
9. As noted above, I attach significant weight to the illustrative plans which show a first floor bedroom window at the rear. A window in this location would look directly towards the rear windows of No 3 Greenfields Place, resulting in a loss of privacy which would be harmful to the living conditions of the occupiers of that property. Due to the short rear garden of the appeal property, there would also be an unacceptable degree of overlooking of the rear garden of No 3. Moreover, the proposed dwelling would itself be subject to harmful overlooking from No 3. The appellant draws attention to the existing relationship between No 3 Greenfields Place and No 1 Paddocks Close, pointing out that this must have been thought acceptable when planning permission was granted for No 3. However, that relationship is not directly comparable with the appeal scheme. Views from No 3 towards the existing No 1 are at an oblique angle. The proposed dwelling would sit more directly behind No 3 and the separation distance would be less.
10. Due to the angle of the back garden boundary, the proposed dwelling would have a shorter rear garden than the existing house does. I consider that the mass and scale of the proposed building, combined with its closeness to the rear boundary, would result in an unduly enclosing and overbearing effect in relation to the back garden of No 3 Greenfields Place.
11. Planning permission was given in 1997 for a 2 storey extension, however the extension would have been smaller in scale and mass compared to the

proposal. It would have been set back from the rear build line and therefore would not have the same impact on the living conditions of 3 Greenfields Place.

12. Consequently I conclude that the proposal conflicts with Policy CS14 of the Mole Valley Core Strategy 2009 which seeks to ensure development respects and enhances the area, and fails to comply with saved Policy ENV22 of the Mole Valley Local Plan 2000 which sets out criteria relating to the protection of neighbour amenities through appropriate design and scale.

Other Matters

13. The appellant raises a number of concerns about the Council's handling of the application process. However, those are not matters for me to comment on.
14. I have had regard to that the fact that the proposal would provide accommodation for the appellant's family and make a contribution of one dwelling towards the Council's housing supply. However, these factors are not sufficient to outweigh the harm I have identified in relation to the two main issues. The appeal proposal would be contrary to the development plan policies referred to above. This is not a case where there are considerations which indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

15. For the reasons above and taking account of other matters raised, I conclude that the appeal should not succeed.

Johanna Ayres

INSPECTOR