
Appeal Decision

Site visit made on 31 July 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 17 August 2017

Appeal Ref: APP/C3620/W/17/3173432

Two Ways, Oxshott Road, Leatherhead KT22 0EG

- 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 Adam Howell on behalf of Buxworth Homes Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1793/PLAMAJ, dated 7 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is demolition of existing detached dwelling and erection of 10 no. apartments in a single building, vehicular and pedestrian access, car and secure cycle parking, landscaping and servicing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the proposed development are the effect on: -
 - (a) The character and appearance of the area; and
 - (b) The living conditions of nearby occupiers.

Reasons

Character and appearance

3. The appeal site is situated to the western side of Oxshott Road. To the south are a Tesco retail store and a number of other retail and commercial premises. The mature landscaping relating to the Tesco site abuts the appeal site on its southern boundary. To the north are predominantly two-storey detached and semi-detached properties, some with accommodation within the roof slope, set back from the highway behind front parking areas and gardens. I observed that the appeal site relates more closely to this residential streetscene.
4. The proposed building would be constructed approximately 2m from the side boundaries and would occupy almost the full width of the appeal site. Taking advantage of the sloping site, it would comprise a three storey building to the front, with the top storey accommodated in a shallow roof, and four storeys to the rear.

5. Whilst the adjacent houses have a similar arrangement in terms of accommodating the top storey within the slope of the pitched roof, unlike these dwellings the proposed top storey of the proposed flatted development is designed as a full additional storey, despite articulated to have the appearance of a roof. As a result this third storey adds considerable bulk and massing to the proposed development. This is emphasised on the flank ends of the proposed building as the top floor would appear as a clear third storey. The footprint of the proposed development, whether narrower than the existing dwelling or not, would position the proposed development close to the boundaries either side of the site. Taking these matters together, the proposal would create a building of substantially greater size and mass to that of other properties within this streetscene and have a constrained appearance within the appeal plot.
6. The proposed development, whilst re-using the site for residential purposes, would appear uncharacteristically large within the appeal site and would be out of keeping with the existing modestly sized adjoining residential development that characterises this locality. This would cause visual harm to this streetscene. This harm would be clearly visible when travelling along Oxshott Road, particularly in a southerly direction. I do not consider that this harm could be mitigated by imposing a hard and soft landscaping condition.
7. The proposed parking, cycle and refuse storage facilities would occupy almost the entire site frontage but these would be positioned behind a high front wall. I observed that the front gardens and parking forecourts of neighbour dwellings are similarly contained behind front boundaries. I therefore do not consider the parking area and storage facilities would be visually apparent in public views. Furthermore, the front boundary wall would not be appreciably different to those of other properties along this part of Oxshott Road.
8. I accept that a comprehensive redevelopment has taken place at Maple Tree Court. Nonetheless, this adjoining development has a planned appearance and the frontage development comprises two modestly sized two storey detached dwellings with the first storey within the roof pitches. There is separation to the side boundaries of the site and between the dwellings. That adjoining development is of a markedly different type and appearance to that of the large apartment development proposed at the appeal site. Whilst the development at Maple Tree Court has created dwellings to the rear of the site behind the road frontage dwellings, it is generally a low density development. To my mind, it would not justify a development at the appeal site of the size proposed.
9. My attention has also been drawn to a development currently taking place to the northern end of this row of dwellings. Whilst that development occupies almost the full width of the site, I observed that the height and depth of the road frontage building, along with the ridge and eaves heights, more closely reflected that of the adjacent property. That is not the case here.
10. The appellant has drawing my attention to the Council's adopted Supplementary Planning Document (SPD) 'Built Up Areas Character Appraisal Leatherhead'. I acknowledge that the SPD recognises opportunities for further development and redevelopment in the character appraisal area but I have not been directed to any particular advice relating to this part of Oxshott Road. I note the Council has not referred to this document in its decision notice.

11. For the reasons set out further above, the proposed development would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy CS14 of the Mole Valley Core Strategy and Policies ENV22, ENV23 and ENV24 of the Mole valley Local Plan which seek new development to be appropriate in terms of its scale, form, bulk and to respect the character and appearance of the locality and the proportions of the surrounding built environment, amongst other matters.

Living conditions

12. The proposed development would be a large building and would incorporate a four storey projection to the rear that would extend deep into the rear garden.
13. Considering the proposed effect upon the adjoining occupiers at No 1 Maple Tree Court, the proposed development would be in close proximity to this existing dwelling, notwithstanding the proposed rear projection being stepped away from the common boundary. This large, tall development would be clearly visible in the outlook from the rear internal habitable living space of this adjoining dwelling and from the garden, despite there being trees along the common boundary. The proposed development would be extremely dominant and oppressive in their outlook and would harm the living environment of these adjoining occupiers.
14. Outlook from the existing first floor habitable room at the side of No 1 would be toward bedrooms within the proposed development. Outlook from these bedrooms would create harmful overlooking of the living environment of this existing adjoining dwelling and toward its private rear garden and patio. This would be harmful to the living conditions of these occupiers.
15. With regard to No 5 Maple Tree Court this dwelling has a row of tall tightly positioned trees along its rear boundary. This, in my opinion, would shield the proposed development in views from this dwelling and its rear garden and would prevent harm to the living environment of the occupiers of this dwelling.
16. For the above reasons the proposed development would have a harmful effect on the living conditions of the adjoining occupiers at No 1 Maple Tree Court. The proposed development would therefore conflict with Policy ENV22 of the Mole Valley Local Plan which seeks to ensure that new development does not significantly harm the amenities of the occupiers of neighbouring properties, amongst other matters.

Other Matters

17. The proposed development would create new housing within the urban area in a sustainable location and of sustainable design and construction. The two bedroom apartments could meet a potential need for this type of accommodation in the District. The development would provide employment during construction and its occupation would contribute to the revenue of the District. I acknowledge that the proposed development would achieve appropriate parking, access, cycle and refuse storage standards and surface and foul drainage would be put in place. Furthermore, the proposal would not raise ecology concerns and trees would be retained and could bring about improved biodiversity and landscaping.

18. Although these are benefits of the proposed scheme, they do not outweigh my findings above in respect of the main issues or justify the proposed development.
19. A number of residents close by have raised other concerns in relation to the proposal, including parking provision and highway safety, but in view of my conclusion on the main issues, there is no need for me to address these in the current decision.

Conclusions

20. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR