
Appeal Decision

Site visit made on 7 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/C3620/W/17/3176502
Cherfold, Yarm Way, Leatherhead KT22 8RG

- 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 [outline] planning permission.
 - The appeal is made by M and M Self Build Project against Mole Valley District Council.
 - The application Ref MO/17/0169, is dated 30 January 2017.
 - The development proposed is the erection of 2 new residential dwellings following demolition of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to the failure of the Council to issue a decision within the relevant time-scale. The Council has indicated that it would have refused the application and I have based the main issues on its putative reasons for refusal.

Main Issues

3. The main issues in this appeal are;
 - The effects of the proposal on the character of the area
 - The effects of the proposal on the living conditions of neighbours

Reasons

Character of the area

4. The appeal relates to this detached bungalow and its grounds, which are located within the end section of Yarm Way. The existing property is a wide and low detached bungalow, set within a wide plot, behind a mature and planted frontage with green verges. This end section of Yarm Way falls away towards the adjacent valley; beyond the end of the road is open land.
5. The overwhelming character here is one where the predominance of buildings has receded and where the size of the plots, the low design of most of the buildings and their green surroundings means that the landscaped form of the area dominates and the buildings are secondary. There are variations in the form of the buildings, including some sited fairly close to their side boundaries

- and some 2 storey dwellings but on the whole, the generous gaps, subservient designs and general spaciousness characterises this part of Yarm Way.
6. The proposal seeks to replace the existing bungalow with 2 houses. The proposal would bring a significantly greater built form to the appeal site than currently exists. The houses would be taller, deeper and would have a significantly greater visual prominence than the existing property.
 7. The appellant points out that the proposed buildings would be 1.2m taller than the pair of new properties to the north and that the gaps to the sides would be in keeping. They also refer to the overall level of the roof line falling with the topography, which they say will not be disrupted by the proposal. Firstly, I consider that an increase in height when compared to the neighbouring property of 1.2m is not insignificant in itself; it should also be born in mind that the increase in height over the existing property is more marked. With regard to the gaps between properties, some of the comparisons made are with different property types and so the effect of having a gap of a certain size between low properties is far less marked than the same gap between 2 storey properties. I have examined the gaps as referred to by the appellant but I find that the combination of the height of the proposal along with the gaps would mean that the general spaciousness exhibited in the area would not be maintained by the proposal.
 8. Rather than reinforcing or complementing the positive characteristics of this area, I consider that the height and spacing of the buildings, combined with the reduction in the opportunity for landscaping at the frontage, would mean that the proposed buildings would dominate the locality, appearing overbearing and disruptive to the general character. Rather than the buildings appearing subservient to their landscaped setting as is currently the case, the proposal would represent a striking reversal wherein the built form would dominate. In my view these negative aspects of the proposal would be made worse by the far more bold and assertive design.
 9. The appellant refers in particular to the 2 newer houses to the north, although I note that the appeal scheme would result in significantly taller buildings and so differ. In addition, and whilst it is not for me to come to conclusions on the neighbouring site's development, it does serve to demonstrate to me how the character of the area can be sensitive to change. With respect to this issue, I conclude that the proposal would have an unacceptable effect on the local character, contrary to Policy CS14 of the Core Strategy and Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan.

Living conditions of neighbours

10. The proposed buildings would extend deeper into the site than the existing property and also deeper than both neighbouring properties. With the falling ground levels this would be particularly noticeable at the property to the south, Beechmead. From the rear of Beechmead clear views are available of the appeal site. Due to the height and size of the proposed building and the elevated position, I consider that the proposal would appear overbearing when viewed from the garden area of Beechmead.
11. The proposals include the provision of large balconies to the rear first floor. At my site visit I was able to see the balcony at 'Karuhna' to the north. From within the appeal site, I consider that the balcony at 'Karuhna' would afford

significant levels of overlooking. In my judgement, the appeal scheme would offer the opportunity to give clear and direct overlooking of parts of the garden at Beechmead. The proposed side screen may prevent views to some degree, but it is plain that significant scope would still exist to look from the balcony into the garden of Beechmead. The appellant suggests that a degree of mutual overlooking is normal in such a residential area. In my consideration of this issue there is a significant difference between the ability to casually take a passing glance from a window into a neighbouring property and a scheme wherein a large elevated area is designed with the express purpose of accommodating people sitting out, perhaps for extended periods. In this respect, I consider that the prospect of the large first floor terrace would be particularly unsettling and intrusive for the residents at Beechmead and would have a clear and detrimental effect on their privacy and enjoyment of their property. For these reasons, the proposal raises further conflict with the policies set out above.

Conclusions

12. I have taken careful account of all other matters raised in the representation but conclude that the proposal would have unacceptable effects on the character of the area and on neighbours, contrary to local policies. I find no matters sufficient to outweigh the harm; therefore, the appeal is dismissed.

S T Wood

INSPECTOR