
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: 4 September 2017

Appeal Ref: APP/C3620/W/17/3175794

Land rear of 5 Bridge Street, Leatherhead, Surrey KT22 8BL

- 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 Oakhanger Properties against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1558/PLA, dated 28 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is a 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on neighbours
 - The effects of the proposal on the character of the area
 - The effects on nearby trees.

Reasons

The effects of the proposal on neighbours

3. The appeal site sits to the rear of Northbank House (No 5 Bridge Street), which is a 3 storey residential building within the town centre of Leatherhead. No 5 Bridge Street contains a number of flats, has a small amenity area at its rear, beyond which sits the appeal site. The appeal site is open and is used for parking cars.
4. The existing flats within No 5 have main room windows within the rear elevation, along with balconies, which look out over the appeal site. The proposal would result in the appeal building being sited just over 7.5m from the rear elevation of No 5, reduced to around 5.5m for the existing balconies. Both the existing and proposed building would contain main room windows which would face towards each other; this, along with the balconies, would mean that direct overlooking between the existing and proposed properties would be possible. I consider that such close and direct overlooking would have a considerably negative effect on the privacy of the residents of both buildings.

5. In addition, the proposal would appear overbearing when viewed from the rear of No 5, both within the building and from the amenity area, due to the proximity of the proposed building. Notwithstanding the efforts to reduce the height of the building, I consider that it would appear unduly prominent and would have a detrimental effect on the outlook of the existing residents. The Council also argues that the occupiers of No 7 Bridge Street would be unacceptably affected by the proposal. They state that the proposal would be 11m away and I agree that this would be insufficient to preserve outlook and privacy for these other neighbouring occupiers.
6. In relation to this issue I conclude that the proposal would have an unacceptable effect on the occupiers of neighbouring buildings. Therefore, the proposal conflicts with Policy CS14 of the Core Strategy and Policies ENV22 of the Local Plan.

The effects on the character of the area

7. The appeal site is located within this 'back-land' area where the main buildings have a frontage onto the surrounding roads but also where the rear of the individual plots often accommodate buildings which have access from the rear. This is true of the plots to either side of the appeal site, although the one to the west appears to be an amalgamation of plots and has an open area within it.
8. The proposal would sit immediately adjacent to the building at the rear of No 3 Bridge Street. The proposal has been designed such that its ground floor level is set lower than ground level; this and its overall size means that it would be comparable to the building at the rear of No 3, in terms of height.
9. Whilst I fully appreciate that the proposal would be close to the frontage building at No 5 (and I have objected to this for other reasons), this appears to be a common feature here. Given that the proposal would be smaller, lower and clearly subservient to the main building at No 5, I consider that it would not appear out of place within the context that I observed. Therefore, I find that the proposal would have no negative effects on the character of the locality. Although it is a point not argued in the representations, given my conclusion on this point, I consider that the proposal would preserve the character and appearance of the conservation area.

The effects on trees

10. The site to the west contains a number of trees included within a Tree Preservation Order (TPO), some very close to the boundary with the appeal site. I observed that the canopy of these trees overhang the appeal site, and this is to a greater extent than is indicated on the submitted drawings. The canopy of these trees appears quite high over the appeal site and allows for light to freely enter the site in some directions.
11. Whilst I can understand the Council's concerns that these trees should be afforded due protection, I consider that their form would not give rise to significant or oppressive effects in relation to light, to any future residents of the appeal scheme. If any pressure were to be exerted in this respect, I consider that it could be reasonably resisted by the Council. Therefore, I do not consider that the appeal scheme would give rise to irresistible pressure to reduce or remove the trees.

Conclusions

12. Although I have agreed with the appellants in relation to the effects of the proposal on trees and on the character of the area, I have found that the scheme would give rise to significant and unacceptable effects on the privacy and outlook of neighbouring occupiers, as well as any future residents of the appeal scheme. I have taken account of all other matters raised but there is nothing sufficient to outweigh the harm that I have identified. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR