



Appeal Decision

Site visit made on 9 October 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 1st November 2017

Appeal Ref: APP/C3620/W/17/3179624

Land at rear of 130 - 136A fronting Cannon Grove, Fetcham, Leatherhead, Surrey KT22 9JS

- 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 Woodlands Country Homes Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2017/0228/PLA, dated 7 February 2017, was refused by notice dated 13 June 2017.
 - The development proposed is residential development of 2x2No Semi-detached dwellings on land to rear of 130 – 136A (Incl) Cobham Road, fronting Cannon Grove, Fetcham.
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Decision

1. The appeal is allowed and planning permission is granted for development of 2x2No Semi-detached dwellings on land to rear of 130 – 136A (Incl) Cobham Road, fronting Cannon Grove, Fetcham, Leatherhead KT22 9JS in accordance with the terms of the application, Ref MO/2017/0228/PLA, dated 7 February 2017, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The area is predominantly residential. A number of the properties in the immediate vicinity have been extended, and some infill development in the general area has taken place. The area is part of the urban area and appears to have developed organically over a period of time. The Council's Built Up Areas Character Appraisal (BUACA) for North Fetcham identifies that the area displays little local distinctiveness in housing design. This variation is demonstrated through the wide mix of chalet style bungalows, semi-detached and detached properties present in the area.
4. The proposal would provide 2 pairs of semi-detached dwellings which would be in keeping with the design and scale of the semi-detached properties along Cobham Road, which would be seen to the side and rear of the properties. The proposal would also be seen as part of the wider area, within which semi-detached properties form part of the street scene along Cannon Grove, Nutcroft Grove and Cannon Way. The proposal would be located adjacent to a more

modest chalet style bungalow. The proposed dwellings would be higher than the immediate neighbours. However the overall bulk of the proposal is broken up through the use of gables to the front of the properties. These would respond positively to the style of both the chalet bungalow adjacent and opposite, and the semi-detached and detached properties in the area. Accordingly I do not consider the scale and mass to be out of keeping with the properties in the area.

5. The proposal would be set back within the site to match the front building line of the adjacent chalet bungalow at No 2 Cannon Grove. Adequate space would be provided round the boundaries of the properties and the scheme has been amended to allow for additional length to the rear gardens. The separation distance between the dwellings would be some 3 metres. I consider that the separation distances reflect those displayed by other properties in the area, and do not consider that the proposal would result in a cramped form of development in respect of the relationship of the dwellings to each other or the site.
6. Long rear gardens are a feature of a number of properties in the area, and referred to in the BUACA. There are also more modest gardens in the area, specifically in Cannon Grove, within which the development would front onto. The rear gardens would extend between 8 and 17 metres to the rear of the properties. Due to the shape of the site House 1 would have the shortest rear garden, however I note it has a more generous width. It is my view that, when the proposal is considered in respect of how it responds to the character of the area in its entirety, including the dwellings along Cannon Grove in addition to those along Cobham Road, it would not harm the character of the area in respect of this feature.
7. Parking would be provided to the front of the site. I note the appellant refers to the general absence of soft landscaping to the front of properties. However, I noticed that in the general area a number of dwellings have vegetation to the front, and there is a grass verge along Cannon Grove. This assists in softening the built form, and, taking into account the street scene and the fact that the proposal would be taller than its immediate neighbours, I consider soft landscaping to be necessary in order to ensure that the proposal would enhance the character of the area. Subject to such a condition, it is my view that the dwellings would settle into the street scene, and contribute to the overall variation of design evident throughout the area.
8. As such I find that the proposal would sit comfortably within the appeal site, it would contribute to the mix of design in the area and provide adequate spacing around and between the dwellings whilst also respecting the amenities of neighbouring residents. It would therefore comply with Policies ENV22, ENV23 and ENV24 with regards to ensuring development is appropriate to the site and the character of the area in terms of its scale and appearance, sense of space and impact on residential amenity.

Conditions

9. I have considered the imposition of conditions in accordance with advice in the Framework and Planning Practice Guidance. I have amended some of them for clarity.

10. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
11. Conditions relating to ground levels and to secure appropriate finishing materials and landscaping are necessary in the interests of protecting the character and appearance of the area and surrounding living conditions.
12. Conditions requiring appropriate parking facilities and visibility splays are necessary to ensure highway safety. I have included a condition relating to drainage to ensure that adequate drainage is provided in the interest of the amenity of occupiers.
13. I have imposed conditions relating to carbon emissions and surface water drainage in the interests of optimising renewable energy and ensuring that the development is sustainable.
14. I have had regard to the Council's suggested conditions restricting permitted development rights. The PPG advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. On the evidence before me I consider that such conditions would meet this test of necessity with regards to protecting the character and appearance of the area and protecting the amenities of neighbouring residents.
15. Conditions 5, 13 and 14 are pre-commencement conditions which are justified in this case as they cover matters that are essential to be agreed before the development starts.

Conclusion

16. For the reasons above, and having considered all other matters raised, I conclude that the appeal should be allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location and Block Plan P01 01
 - Proposed Site Plan P02 01
 - Proposed Floor Plan P03 01
 - Proposed Roof Plan P04 01
 - Proposed Elevations P05 01
 - Proposed Sections and Street Scene P06 01
 - Covering Email dated 18th April 2017
 - Preliminary Ecological Appraisal dated May 2017

- 3) No above ground works shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No above ground works shall take place until details of the hard surfacing to be used within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme and thereafter retained permanently as such.
- 6) Prior to commencement of above ground works, details to reduce the carbon emissions of the predicted energy use of the proposed development by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the dwelling.
- 7) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions within Schedule 2, Part 1, Classes A, B, or C to any dwelling hereby permitted shall be erected.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, glazed openings, or roof lights other than those expressly authorised by this permission shall be constructed.
- 9) Prior to the first occupation, the first floor window in the northern and southern elevations of the dwellings hereby permitted shall be glazed in obscured glass and permanently retained in that condition thereafter.
- 10) The development hereby approved shall not be first occupied unless and until the proposed vehicular accesses to Cannon Grove have been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 1m above the road surface.

- 11) The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2 m by 2 m has been provided on each side of the access to Cannon Grove, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6 m and 2 m in height above ground shall be erected within the area of such splays.
- 12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter, the parking and turning areas shall be retained and maintained for its designated purpose.
- 13) Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include percolation tests, calculations and controlled discharge rates.

The approved drainage scheme shall be implemented prior to the first occupation of the development.
- 14) No development shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground and the ground floor slab level of each building have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

END OF SCHEDULE