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## Appeal Decision

Site visit made on 28 August 2019

**by R Lankshear BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 September 2019**

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**Appeal Ref: APP/C3620/W/19/3230769**

**Land adjacent to Silverdale, Epsom Road, Ashstead KT21 1JX**

- 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 Aaron France against the decision of Mole Valley District Council.
  - The application Ref MO/2018/1214/PLA, dated 10 July 2018, was refused by notice dated 11 January 2019.
  - The development proposed is the erection of a new detached dwelling.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Aaron France against Mole Valley District Council. This application is the subject of a separate Decision.

### Procedural matters

3. The Council's reason for refusal states that the proposals would be 'detrimental to the amenities of adjoining properties'. However, within their statement of case they confirm that this was included in error. I shall therefore determine the appeal on the basis that this is not a point of contention between the parties and I have no reason to disagree with the Council that the proposal would not cause harm to the living conditions of the occupiers of neighbouring properties in respect of outlook, light and privacy.
4. The National Planning Policy Framework (the Framework) was revised in 2019 and this post-dates the Council's refusal notice. I have determined this appeal in accordance with the Framework.

### Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) living conditions of future occupiers of the appeal dwelling with respect to outside amenity space.

## Reasons

### *Character and appearance*

6. The appeal site falls within the built-up area of Ashstead to the western side of the A24, Epsom Road. The site is an asymmetrical plot between the dwelling of Silverdale and Epsom Road that is currently enclosed from this road by mature coniferous trees and a close boarded fence. To the south of the site is an aquatic centre on the corner of Epsom Road and Bramley Road. The appeal proposal would introduce a chalet bungalow style, four bedroom dwelling with first floor accommodation within the roofspace. The dwelling would be side on to Epsom Road and would share access with existing dwellings at the site. The surrounding area is suburban in character and includes a range of dwelling styles on a variety of plot sizes, although generally there is a verdant and spacious character to the locality.
7. Whilst the evergreen trees currently serve to largely screen the appeal site and Silverdale from public view, the appeal development would introduce a dwelling and associated garden areas in close proximity to site boundaries. The Council indicate that these trees are of limited public amenity value and could be removed without consent. Therefore, the future health and screening benefits of these trees could not always be relied upon.
8. I acknowledge that there is some variety within the street scene in terms of the form and style of dwellings and that the proposed chalet style and material palette would be similar to that of Silverdale. Furthermore, I note that the Council indicate that they have no particular objection to the design of the dwelling itself. However, the proposed dwelling would appear very cramped in its plot which would be at odds with the predominantly more spacious character of the pattern of existing development in the area. Given this, and the likely pressure on the trees that currently serve to screen the site, the proposed dwelling would appear conspicuous and contrived within its context, neither respecting nor enhancing the character and appearance of the area.
9. For the above reasons, I conclude that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policy CS14 of the Mole Valley Local Development Framework Core Strategy 2009 (CS) and policy ENV22 of the Mole Valley Local Plan 2000 (LP) which seek, amongst other things, that development respects the character and appearance of the locality. It would also be contrary to LP Policy ENV23 which seeks development that respects its setting; LP Policy ENV24 that seeks to resist development that would result in a cramped appearance and policy AS-H5 of the adopted Ashted Neighbourhood Development Plan (2015-2026) 2016 (NP) that seeks development that integrates with its surroundings. The proposal would also fail to accord with the design requirements of Chapter 12 of the Framework.

### *Living conditions*

10. The submitted plans indicate the provision of outdoor amenity space to the north-west of the dwelling adjacent to the existing vehicular driveway and Epsom Road, in addition to an area to the south. The submitted details also indicate that there would be a driveway running along the western boundary of the site serving a previously permitted, although yet to be constructed dwelling to the south of Silverdale. As such the site is physically constrained by existing

features and prospective development. The appeal development seeks to erect a four-bedroom house and therefore would likely be occupied as a family home.

11. From the details before me, the amenity space provided would be limited in its extent and predominantly situated adjacent to a classified A road and/or driveways. Therefore, this space would be highly likely to be the subject of significant levels of noise and disturbance for future occupiers of the dwelling. In the absence of evidence to demonstrate that this harm could be adequately mitigated, I find that the proposed outside amenity space would be of little practical use for occupiers of the dwelling. Therefore, the proposal would fail to provide future occupiers of the dwelling with an adequate or satisfactory form of outdoor amenity space.
12. For the above reasons, I conclude that the proposal would not accord with Policy ENV22 of the LP which seeks, amongst other things, to provide a satisfactory environment for occupiers of new development.

### **Other Matters**

13. The appellant raises concern with regard to the manner in which the Council determined the application including the time taken. They also point out that no objections were received from the occupiers of neighbouring properties or the Highway Authority. Whilst acknowledging these matters, they do not in themselves alter or outweigh my conclusions on the main issues.
14. The appellant contends that the proposal would add to Mole Valley's housing stock. However, there is no evidence before me to demonstrate that the local planning authority cannot demonstrate a deliverable five year supply of housing sites and/or that it has not met its housing delivery test requirement. Furthermore, the contribution to the supply of housing from only one dwelling would be relatively limited.
15. I note the appellant considers that paragraphs 130 and 131 of the Framework should be considered as part of the determination of this appeal. I have already found harm in character and appearance terms, and to this extent the proposal would not accord with the design requirements of paragraphs 130 and 131 of the Framework.
16. None of the other matters raised outweigh or alter my conclusions on the main issues.

### **Conclusion**

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Robert Lankshear*

INSPECTOR