



Appeal Decision

Site visit made on 28 February 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/C3620/W/18/3205978

Shardeloes, Ashstead Woods Road, Ashstead, KT21 2EQ

- 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 Michael Forzani, Care Management Group Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2018/0272/PLA, dated 29 January 2018, was refused by notice dated 20 April 2018.
 - The development proposed is the demolition of side extension to create a side road access, new rear extension to Shardeloes and new chalet bungalow at the rear land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:

Proposed chalet bungalow and new access

- a) The effect of the proposed development on the character of the area; and
- b) The effect on the living conditions of the occupiers of neighbouring properties with specific regard to overlooking from windows in the proposed dwelling and noise nuisance associated with the use of the new side access road.

Rear extension

- c) The effect of the proposed rear extension on the character and appearance of the host dwelling and the wider area; and
- d) The effect of the proposed rear extension on the living conditions of the occupiers of neighbouring properties having specific regard to its bulk.

Reasons

Proposed chalet bungalow and new access

Character of the area

3. The appeal site relates to a detached two-storey building set back from Ashted Woods Road close to its junction with Links Road. The property has an extensive rear garden and is set back from the road frontage with parking in

front of it. The immediate area is residential in character with a mix of detached houses and bungalows in reasonably sized plots. The appeal property is in use as a residential care home.

4. The proposed chalet bungalow would be set well back into the rear garden area of the property and would be some 33m back from the rear wall of the proposed extension to the Care Home. Existing residential properties exist on the northern and southern boundaries of the site and there would be adequate space between buildings. From my site visit I saw that the proposed chalet bungalow would not be visible from public views.
5. I am satisfied that the site could physically accommodate the proposed chalet bungalow with adequate space between neighbouring properties. It would not be visible from public views and would be surrounded by existing residential development and, although a backland development, I consider that it would not significantly intensify the existing pattern of development in the area.
6. Furthermore, given the space and distances that would exist between the proposed dwelling and the site boundary and neighbouring properties I consider that the development would not appear cramped. There would be a rear garden area of some 20m and some 16m to the front of the proposed dwelling with over 3m between each side boundary. This would provide space around the proposed dwelling such that I do not consider it would appear cramped.
7. Taking the above into account I conclude that the proposed development would not result in a cramped development and it would not harm the character of the area. Consequently it would not conflict with Policy CS14 of the Mole Valley Local Development Framework Core Strategy (2009) and Policies ENV22, 23 and 24 of the Mole Valley Local Plan (LP) that, amongst other things, seek to ensure that development respects and enhances the character of an area whilst making the best possible use of land, has regard to the general space about buildings in the locality.

Living conditions – overlooking

8. Although the development is described as a chalet bungalow, it would have two distinct floors with all proposed bedrooms at first floor level. From the siting of the proposed dwelling, two first floor front facing windows, serving bedrooms, would have direct views across the rear private garden areas of 'Crinnis', No 4 Woodlands Copse and Nos 6 & 8 Links Road that bound the site.
9. Having regard to the close proximity of the boundaries of these properties and the elevated position of the proposed windows, I consider that there would be potential for overlooking of neighbouring properties rear gardens and that the level of overlooking that would result would adversely impact on the living conditions of the occupiers of these properties by way of loss of privacy. This would be contrary to LP Policies ENV22 and ENV32 that, amongst other things, seeks to ensure that new development does not significantly harm the amenities of the occupiers of neighbouring properties by reason of a number of issues that include overlooking and loss of privacy.

Noise nuisance

10. The proposed access to the proposed chalet bungalow would be provided by demolishing an existing side extension to Shardeloes and constructing a new

driveway sited along the northern side boundary of the property adjacent to the property known as 'Crinnis' and No 4 Woodlands Copse. This would result in the movement of vehicles to and from the proposed dwelling in close proximity to the above neighbouring properties. At my site visit, I noticed that 'Crinnis' had a conservatory adjacent to the northern boundary.

11. Given the close proximity of the proposed driveway to these properties I consider that there would be a degree of noise and disturbance that would result from cars using the driveway. Whilst a new hedge is proposed along the northern boundary between the boundary and the proposed driveway, this would take some time to grow. Furthermore, the space for planting that would exist between the proposed driveway and 'Crinnis' would be quite narrow and would limit the effect of such planting in seeking to mitigate any noise. It would also add to any impact on the living conditions of the occupiers of 'Crinnis' especially by potentially affecting light to their conservatory.
12. As a consequence of the above, I conclude that the location of the proposed driveway along the northern boundary would adversely impact on the living conditions of the occupiers of 'Crinnis' and No 4 Woodlands Copse by way of unacceptable levels of noise and disturbance from vehicle movements that could not be adequately mitigated. This would conflict with LP Policies ENV22 and ENV32.

Rear extension

a) Character and appearance of the host property

13. The proposed rear extension would be single storey with a flat roof projecting some 9.85m from the rear of the property. Whilst it would take up some of the amenity space of the property, sufficient amenity space would remain.
14. The property appears to have had a number of alterations to the rear but still presents a residential character consistent with the residential character of properties in the area. The proposed extension would be a significant projection from the rear of the existing property that, coupled with its width of some 7.5m and flat roof, would appear incongruous and fail to respect the character and appearance of the host property. This would conflict with LP Policies ENV22 and ENV32.

b) Living conditions

15. The proposed extension would be set some 3.8m from the side northern boundary with 'Crinnis' where a boundary fence of some 2m in height exists. Given this set back from the side boundary, the single storey nature of the site and the proposed flat roof, I do not consider that the proposed extension would adversely affect the living conditions of the occupiers of 'Crinnis'. For these reasons the proposed rear extension would not conflict with LP Policies ENV22 and ENV32 in so far as these policies relate to the effect of development on neighbouring properties living conditions.

The planning balance and conclusion

16. Whilst I have concluded that the proposed chalet bungalow would not adversely affect the character and appearance of the area and that the proposed rear extension to Shardeloes would not adversely affect the living

conditions of the occupiers of neighbouring properties, this is not sufficient to outweigh the harm I have identified in respect of the other issues.

17. The overlooking from windows in the proposed chalet bungalow, the effect of the use of the proposed driveway on the living conditions of the occupiers of neighbouring properties and the effect of the proposed rear extension on the character and appearance of Shardeloes would be unacceptable for the reasons detailed above.
18. I dismiss the appeal.

David Storrie

INSPECTOR