



Appeal Decision

Site visit made on 6 August 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/C3620/W/19/3229423

78 Stag Leys, Ashted, Surrey KT21 2TL

- 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 Anuj Gupta against the decision of Mole Valley District Council.
 - The application Ref MO/2018/1533/PLA, dated 29 August 2018, was refused by notice dated 5 March 2019.
 - The development proposed is to remove existing roof and provide first floor extension to create first floor accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading refers to the extension providing first floor accommodation. However, what is not made clear is that this accommodation will be a first floor flat, providing a new unit of residential accommodation at the site. I consider that the Council's development description in its refusal notice better reflects the proposal and have determined the appeal on this basis.

Main Issues

3. The main issues are: (i) the effect on the character and appearance of the area; (ii) the effect on living conditions of neighbouring occupiers, with particular regard to noise and disturbance, and; (iii) the effect of the proposal on highway safety, with regard to the adequacy of parking provision.

Reasons

Character and appearance

4. Stag Leys is an attractive and spaciouly laid out residential estate consisting primarily of detached two and single storey dwellings, built on equally proportioned plots with deep rear gardens. Dwellings are set back from the road and include driveways for parking, while low boundary walls and landscaping define the interface between curtilage and the pedestrian footway and road in the majority of cases.
5. The proposed development of the appeal bungalow into a two-storey building incorporating two separate dwelling units would inevitably require the severing

of the existing plot to include separate and additional parking areas for use by future occupiers, albeit on land that is reduced in area compared to neighbouring dwellings. This would probably require the removal of the existing front boundary wall and hedge to create an open driveway to serve the proposed and existing units. This area could have double the number of parked cars on the driveway, and consequently would have a congested and contrived appearance in contrast to the neighbouring driveways which are predominantly smaller and enclosed by boundary walls and landscaping.

6. The appellant proposes to subdivide the rear of the site to provide private garden areas for the existing and proposed dwelling units. Whilst equally proportioned rear gardens could adequately serve the needs of the existing and future occupiers, the lateral spacing between properties would be significantly narrowed. The resultant increased density of the plots would disrupt the strong uniformity of the development pattern in the area, which is more spacious by contrast, consequently having a negative effect on the area.
7. The appellant has highlighted that the proposal's design and use of materials is consistent with other dwellings. However, good design also relates to respecting the prevailing character, and in this regard the proposal would be noticeably at odds with the density and general pattern of development in the area.
8. On this matter, I conclude that the proposal would cause material harm to the character and appearance of the area, contrary to the aims of Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (Adopted October, 2000), Policy CS14 of the Mole Valley Local Development Framework Core Strategy Adopted October 2009 (the MVLP), and Policy AS-H5 and AS-EN3 of the Ashstead Neighbourhood Development Plan (ANDP). These policies, amongst other considerations, require development proposals to visually integrate with their surroundings, respect the character and appearance of the locality, townscape features, such as street patterns, and the space around buildings, and they note that development will not be permitted where it would result in a cramped appearance having regard to the general space around buildings in the locality. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which requires development proposals to be sympathetic to local character.

Living conditions

9. The new first floor flat would consist of three bedrooms, three bathrooms, a kitchen and lounge, above the ground floor accommodation, which already has four bedrooms, two bathrooms, kitchen and a lounge. The side pathway between No.78 and 77 Stag Leys leads to a new entrance door that will serve the flat via an internal stair. A new first floor with the level of accommodation proposed is likely to intensify the residential activity at the appeal site through activities such as running water, toilets flushing, vehicles accessing and egressing the driveway and general comings and goings through the side access door. Given the close proximity to the side elevation of No 77, which contains windows relating to habitable rooms at ground and first floor, occupiers of this neighbouring dwelling will be exposed to an unacceptable level of noise and disturbance from these additional activities.
10. Consequently, the proposal would conflict with the objectives of Policy ENV22 of the MVLP and the Framework, which amongst other considerations requires

that development does not significantly harm the amenities of neighbouring occupiers in terms of noise. The proposal would also be contrary to the Framework which amongst other considerations requires noise from development to not give rise to significant adverse impacts on quality of life.

11. Although the Council, in refusing planning permission, on the grounds of noise and disturbance, referred to Policy ENV32, this policy is not relevant to the proposal as it does not seek to protect the amenity of neighbouring occupiers in this regard.

Highway safety

12. The Council's parking standards would require a total of 4 parking spaces for the proposed ground and first floor flats. There is no information presented showing a proposed parking layout, however, the appellant states that the front forecourt area is capable of accommodating 3-4 cars. Notwithstanding this, considering the absence of a parking layout, I consider meeting the space standards would be challenging given the presence of an existing extension projecting into the forecourt area which diminishes the depth available for parking clear of the pedestrian footway. A resultant parking deficit could lead to occupiers of the flats parking on the road, where I noted from my site visit this was already occurring. Further parking on the road would diminish the carriageway width on what is already a narrow road and could cause situations where vehicles would have to make unsafe reversing manoeuvres to allow oncoming vehicles to pass. On street parking would also obstruct visibility from one of the many property driveways and could have detrimental impacts on the safety of road users.
13. I conclude that the proposed development would have an unacceptably harmful effect on highway safety by reason of inadequate parking provision. This would be contrary to Policy MOV5 of the MVLP and Policy AS-H6 of the ANDP, which amongst other considerations set parking standards for residential development. The proposal would also be contrary to the Framework, which considers parking to be integral to the design of the scheme and that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. My attention is drawn to examples of other developments approved on Stag Leys where dwellings have been enlarged, completely redeveloped, or new dwellings within existing residential plots. However, I do not have full details in respect of such works so I cannot be sure of the circumstances of such cases or whether they are directly comparable to the scheme before me. In any case, I have determined the appeal on its own merits, based on the evidence before me.
15. Concern has been raised regarding the potential for harmful overlooking from the proposed first floor windows into neighbouring windows and garden areas. However, given the degree to which proposed upper floor windows would look towards adjoining gardens, the angles of vision that would be created and the distances involved, the proposal would not result in significant loss of privacy due to overlooking. The potential to reduce the solar energy production at No 77 is noted, however, without any evidence to quantify the extent of this

reduction I am unable to fully assess the harm of the proposed extension in this regard.

Conclusion

16. The government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. I note that although the Council do not have an up-to-date 5-year housing land supply, the appeal proposal would make a very minor contribution to the borough's supply of new homes. In these circumstances the harms I have identified would significantly and demonstrably outweigh the benefits that would accrue from the provision of an additional single dwelling, whilst outweighing other considerations including the National Planning Policy Framework.
17. For the reason given above, I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR