
Appeal Decision

Site visit made on 20 August 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/C3620/D/19/3229373

26 Marley Rise, Dorking RH4 3DY

- 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 Alan Emmerson against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0276/PLAH, dated 11 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is the erection of a gazebo.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a gazebo at 26 Marley Rise, Dorking RH4 3DY in accordance with the terms of the application, Ref MO/2019/0276/PLAH, dated 11 February 2019, and the plans submitted with it, subject to the following 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: Site Location Plan 1:1250; Classico Timber Gazebo 4.3x4.3m Page 1 of 2; Classico Timber Gazebo 4.3x4.3m Page 1 of 4.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by a shorter version on the appeal form. I consider that subsequent description to be usefully more concise and I have therefore used it within this decision.

Main Issues

3. The main issues are the effect of the proposed gazebo on the:
 - Character and appearance of the surrounding area.
 - Living conditions of the occupants of neighbouring properties, with particular reference to outlook.

Reasons

Character and appearance

4. 26 Marley Rise is a two storey semi-detached dwelling, within a residential housing estate. The site backs onto woodland at the rear. The garden is narrow and long and contains features including a children's playhouse, slide and shed. The rear portion of the garden is partially screened by trellis.
5. Neighbouring properties comprise similar ancillary outbuildings and garden furniture which are regularly found in residential gardens and these are visible from both the appeal site and from the parking area adjacent to 25 Marley Rise which serves the nearby flats.
6. The proposal is for an open-sided gazebo structure with tiled roof, which would fill the width of the plot. The partly constructed base was already present on site enabling me to see the precise location in relation to the neighbouring properties. The gazebo would be sited towards the rear of the garden adjacent to the trellis and in front of the existing shed.
7. Given the number of existing structures, both within the appeal site and in the neighbouring gardens I do not consider that the introduction of a gazebo would be detrimental to the character and appearance of the area which is characterised by ancillary domestic buildings and paraphernalia associated with the use of a domestic garden.
8. Whilst both the existing and proposed structures would be visible from the parking area, I do not consider that this would be detrimental to views of the appeal site and the area, which are part of rear gardens. In addition, the wider views from within the estate are softened by the presence of the woodland behind the residential gardens.
9. Whilst the structure would fill the width of the plot, noting the narrow width of the garden it would be difficult to design a useable structure which would not utilise the entire width of the plot. The open sided nature of the gazebo would have a lightweight appearance with views through and this limits its overall bulk and scale.
10. Whilst there are a number of structures both within the appellants site and neighbouring properties, I do not consider that the introduction of the gazebo would lead to a cluttered appearance. The well designed structure would be sited towards the rear of the site and would complement the other ancillary buildings within the surrounding area.
11. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. The development would therefore accord with policies CS14 of the Mole Valley Local Development Framework Core Strategy DPD 2009 (CS) and policy ENV22 of the Mole Valley Local Plan 2000 (LP) which seek to ensure appropriate standards of urban design as it would respect the domestic character of the area.

Living conditions

12. The gazebo would be sited towards the rear, located on the side boundaries of the site. The garden of 25 Marley Rise does not currently extend as far as the part of the garden where the gazebo is proposed and therefore I do not consider there will be any impact on the living conditions in terms of outlook from No 25.

13. I consider that given the siting of the gazebo towards the rear portion of the garden and the position of the existing outbuilding at 27 Marley Rise there will be no loss of outlook for the occupiers of No 27. In addition, all of the properties in this row enjoy the backdrop of the existing woodland and it is this which contributes to the outlook from these properties.
14. I therefore conclude that the proposal would not be harmful to the living conditions of residents of neighbouring properties with regards to outlook. The proposed development would therefore accord with policies CS14 of the CS, concerning design and policy ENV22 of the LP which requires development to have regard to the amenities of occupiers of neighbouring properties.

Conditions

15. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty. Whilst the Council suggested a condition requiring matching materials, it is unlikely that the gazebo materials could match those of the main dwelling. Furthermore, given the nature of the structure and the details provided on the approved plans I do not consider it is necessary to require the submission of details instead.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR