



Appeal Decision

Site visit made on 8 October 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 30 October 2019

Appeal Ref: APP/C3620/W/19/3232465

15 Deepdene Avenue, Dorking RH4 1SS.

- 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 K Jux (Three Oaks Property) against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0226/PLA, dated 1 February 2019, was refused by notice dated 9 May 2019.
 - The development proposed is the demolition of No. 15 Deepdene Avenue and the construction of 6 no residential dwellings within the site of No. 15 and land to the rear of No.9 incorporating hard/soft landscaping and modified access point onto Deepdene Avenue.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (a) the character and appearance of the area, (b) Protected Species and (c) the living conditions of the occupiers of the neighbouring properties, having regard to vehicular noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises a property at 15 Deepdene Avenue, including a frontage dwelling and a large rear garden, and part of the garden of 9 Deepdene Avenue. The rear garden of No 15 wraps around properties between it and No 9. The site backs onto a public footpath and the rear gardens of properties on Deepdene Vale. Opposite the road frontage, lies further residential development on the other side of Deepdene Avenue (the A24). Beyond this, lies Dorking Town Centre whilst in the direction beyond Deepdene Vale, lies a cemetery.
4. The road configuration of Deepdene Avenue, Deepdene Vale and Deepdene Avenue Road (to the north) results in a distinctive triangular street block within which there is an extensive landscaped area formed by gardens, including the appeal site. As a result, there is a particular feeling of being located within an attractively landscaped and spacious area despite the proximity of a town centre. This is appreciated through gaps between frontage dwellings, from the rear of properties and the public footpath.

5. The proposed dwellings would be attractively designed with landscaping and many of the trees would be retained on the site. The size of dwelling plots 2-6 would not be dissimilar to those at 3, 13 and 29 Deepdene Avenue, 1 Deepdene Vale and properties at Kultann and The Cottage on Deepdene Avenue Road. However, properties in Deepdene Avenue mostly have large and deep rear gardens and the appeal site is located within a significant stretch of properties where spaciousness and vegetation, including mature trees prevail. The development would have contrastingly smaller plot sizes, a clustered dwelling layout and extensive and dominating hardsurfacing between the new dwellings. Consequently, the denser form of development would markedly jar with the landscaped and spacious character and appearance of the area and would be unsympathetic in a significant way.
- 6 There are two substantial trees located just outside of plot 2 which are protected by a Tree Preservation Order. As part of the appellant's Arboricultural Evidence report, a sun path plan analysis shows the shadowing effect of the trees across the rear garden of plot 2 on certain dates in the year. The analysis shows that at least half of plot 2's garden would have a minimum of 2 hours sunlight on the date of March 21st which the British Research Council report Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice highlights as a key date for assessing overshadowing. Such evidence is compelling being based on professional policy and standards and indicates plot 2's garden would have acceptable light throughout the year. In the absence of evidence to the contrary, it is concluded that undue pressure to undertake detrimental works to these trees would be unlikely to occur.
- 7 Notwithstanding this, the development would harm the spacious and landscaped character and appearance of the area for all the reasons indicated. Accordingly, the proposal would conflict with CS14 of the Mole Valley Local Development Framework Core Strategy (CS) 2009 and policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (LP) 2003.

Protected species

- 8 This existing dwelling on the site would be demolished as part of the new development. The appellant's Preliminary Ecological Assessment and Bat Surveys June 2019 report identified no evidence of bat roosts in this dwelling but a high potential for bats on the exterior of it. Bat emergence and dawn surveys were recommended to assess how the building might be used by bats. Consequently, emergence surveys were carried out which established several species of bats foraging and commuting over the house.
- 9 However, the recommended dawn survey has not been carried out and additionally, the report does not assess whether the trees to be felled contain bat roosts or potential for them. Without further surveys, it is not possible to determine whether there might be an adverse effect on bats. The report details the construction of bat bricks within the new dwellings, the minimisation of light pollution and native landscaping. Nevertheless, no informed assessment has been made as to whether this mitigation would be adequate in the case of a roost being found or if not, the building having a high bat roosting potential, as has been identified.
- 10 Slow Worms have been identified as being present on the site. In accordance with the report, that habitat could be removed carefully under

the watch of an ecologist if any large-scale clearance works take place. A condition could be attached to ensure this, along with the implementation of approval of appropriate mitigation. Based on the report, the probability of other Protected Species being present is low and therefore, such issues would not be a reason to withhold planning permission on the basis of evidence before me in this respect.

- 11 Nevertheless, the adverse effect on bats as a Protected Species and associated biodiversity remains for all the reasons indicated. Accordingly, there would be a conflict with policy CS15 of CS and policy ENV15 of the LP.

Living conditions

- 12 The proposed access would be alongside the replacement dwelling on plot 1 and a neighbouring dwelling on Deepdene Avenue. Brick walls are shown either side of the access between the two properties, along with acoustic landscaping. Presently, there is little noticeable vehicular noise heard within the rear of the appeal site from the busy A24.
- 13 However, the development would not generate excessive vehicular movements and associated noise by reason of the number of dwellings proposed. The neighbouring properties along Deepdene Avenue are also generally spacious and therefore the incursion of noise would not be significant. In the respect of the neighbouring dwelling, this property has an extensive rear garden stretching down to the footpath. Furthermore, any future occupiers of the new frontage dwelling would be aware of the access layout of the development when they moved in.
- 14 For all these reasons, there would be no harm to the living conditions of the occupiers of the neighbouring dwellings, having regard to noise and disturbance. Accordingly, the proposal would comply with policy ENV22 of the LP (in respect of living conditions).

Other matters

- 15 The Council is unable to demonstrate a 5 year housing land supply (5YHLS). The proposal would boost housing land supply in a location which has great accessibility to services and facilities, including a railway station, by means other than private motor vehicle. It would provide a range of housing types and the housing development would make effective use of land. The dwellings would be sustainably constructed with efficient use of energy and water resources.
- 16 However, the contribution of five additional dwellings to housing supply would be small and the making more effective use of land must also take into account safeguarding and improving the environment. The proposal would adversely affect the character and appearance of the area and additionally, there would be an adverse effect on Protected Species and biodiversity. Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. In this regard, this development would not be sympathetic to local character and history, including the surrounding built environment and landscape setting. Consequently, the adverse impacts of granting permission would significantly and demonstrably

outweigh the benefits, even after taking into account the Council's 5YHLS position.

Conclusion

17 The development would harm the character and appearance of the area and Protected Species and biodiversity. As a result, the proposal would be contrary to the identified CS and LP policies and the development plan as a whole. There would be no material considerations of sufficient weight or importance that determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

18 For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathon Parsons

INSPECTOR