
Appeal Decision

Site visit made on 17 September 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/C3620/W/19/3232235

85 Links Road, Ashted KT21 2HL

- 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 T R Soder against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0415/PLA, dated 28 February 2019, was refused by notice dated 3 June 2019.
 - The development proposed is the demolition of existing bungalow and construction of a pair of semi-detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and construction of a pair of semi-detached houses at 85 Links Road, Ashted KT21 2HL in accordance with the terms of the application, Ref MO/2019/0415/PLA, dated 28 February 2019, subject to the attached schedule of conditions.

Procedural Matter

2. Although not part of the Council's reason for refusal, my attention has been drawn to a conflict with Policy AS-H3 of the Ashted Neighbourhood Development Plan (ANDP). The ANDP was made on 23 May 2017. I am required to consider the proposal in accordance with the development plan, which includes any made neighbourhood plan. As the policy is relevant to the proposal, it is necessary to consider this matter as a main issue, and the views of both parties have been sought.

Main Issues

2. The main issues are therefore:
 - the effect of the proposal on the supply of small houses in Ashted; and
 - the effect of the proposal on the character and appearance of the site and surrounding area.

Reasons

Supply of small houses

3. Policy ASH-H3 of the ANDP applies to small developments of between 1 and 4 dwellings on infill and smaller sites, and it seeks to encourage the provision of smaller dwellings (1, 2 and 3 bedrooms) and restrict the number of larger

dwelling (4 or more bedrooms). Part 1 of the policy applies to housing development on previously developed sites, and it requires that there should be no increase in the number of larger dwellings than pre-existed on the site. Part 2 of the policy applies to other new housing developments, and seeks to limit the provision of larger dwellings to one per site.

4. The proposal would replace a bungalow with a pair of semi-detached dwellings, both of which would have four bedrooms. The application form states that the existing bungalow has in excess of four bedrooms, but other evidence indicates that it has three bedrooms. The submitted floor plan of the existing bungalow does not indicate the use of each room. It is not clear therefore from the submitted evidence whether the existing bungalow qualifies as a larger dwelling. Planning permission has been granted¹ for extensions that would create a four bedroom dwelling on the site, but this has not been implemented.
5. Even if the existing bungalow had four bedrooms, the proposal would not accord with the first part of the policy, as it would increase the number of larger dwellings on the site. If considered under the second part of the policy, the proposal would also conflict with it, by providing two dwellings with four bedrooms each.
6. The proposal would therefore be harmful to the supply of small houses in Ashted. It would thereby conflict with ANDP Policy ASH-H3, insofar as it seeks to encourage the provision of small dwellings and restrict the provision of larger dwellings.

Character and appearance

7. The appeal site comprises a roughly rectangular plot, similar in size to other plots in the vicinity. It contains a modest bungalow, with mature planting to the front garden. It is sited towards the end of Links Road, a long and straight residential road. There is a wide range of dwelling types on the road, with bungalows, chalet bungalows and two storey houses with varied materials and styles. Front gardens generally include hardstanding for parking, some have 'in and out' driveways with large areas of hardstanding, while others have lawns and planting. Dwellings are detached and set back a similar distance from the road frontage, so that there is an established pattern of development.
8. The pair of semi-detached houses has been designed to appear as a single dwelling. The height and bulk of the resulting building would largely fill the width of the plot, leaving a relatively small gap either side. However, its height and width would be similar to the scale and design of surrounding buildings and there would be sufficient space to the boundaries, so that it would not appear cramped.
9. The dwellings would each have their own front garden, driveway and parking, and therefore it would be readily apparent that the building would be a pair of semi-detached dwellings. This would result in a more intensive use of the site with narrower plots. However, in view of the great variety in the treatment of front gardens, this would not appear incongruous or out of step with the character of the area. Moreover, there would be space between and to the side of the driveways for landscape planting. The dormer windows would be on the rear roof slope and would not be readily apparent in the street scene. I

¹ MO/2017/0085

appreciate that there are no other detached properties in the vicinity of the appeal site or fronting onto Links Road, but for the reasons set out above, I find that the proposal would not appear overdeveloped or out of character with the area.

10. A number of appeal decisions have been referred to which relate to dismissed appeals in the area. The appeal² for land which is now Barnby Close is not a recent decision, and a new development has subsequently been approved which includes two pairs of semi-detached homes. I do not therefore find that the Inspector's concerns with scale and size of the proposed semi-detached houses in the earlier scheme has any bearing on this case. The appeal³ relating to land to the rear of 62 and 64 Links Road is not directly comparable, as it relates to backland development. I have not been able to view the decision letter for APP/C3620/A/04/1141562 as it is not a recent appeal and I have insufficient evidence as to its relevance to this case.
11. The Council has identified⁴ that scope for further backland development in the Links Road area is limited. However, this proposal is not for backland development, and I do not therefore find that this document indicates that the proposal is harmful.
12. For the reasons set out above, I find that the proposal would not be harmful to the character and appearance of the site and surrounding area. It would therefore not be in conflict with Policy CS14 of the Mole Valley Local Development Framework Core Strategy Development Plan Document Adopted 2009 (CS), or Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000, which seek, amongst other matters, to ensure that new development respects and enhances the character of the area, whilst making the best possible use of the land available, or results in a cramped appearance. It would not be in conflict with the advice contained in the Framework.

Other matters

13. A number of concerns have been raised by local residents. The Council was satisfied that there would be adequate separation between the dwellings and properties on Corfe Close to protect their occupiers from an unacceptable loss of privacy, and I have no reason to disagree. In terms of the effect on light to the habitable rooms of No 83, I concur with the Council's assessment that any overshadowing would not be significant enough to have a detrimental impact on living conditions.
14. ANDP Policy ASH- H6 sets out its requirements for off-street parking in residential developments, with a standard of 2+ spaces for dwellings that have three bedrooms or more. The dwellings would have two off road parking spaces each and would thus comply with the policy. I appreciate that tandem parking can lead to spaces being under-used and overspill parking on the road but I have seen no firm evidence that this would be harmful to highway safety or the appearance of the area in this case. A degree of noise, disturbance and inconvenience during construction is inevitable, but temporary and short-lived, and not a reason to withhold permission.

² APP/C3620/A/07/2055919

³ APP/C3620/W/18/3216951

⁴ The Built Up Areas Character Appraisal – Ashted, Supplementary Planning Document Adopted 2010

15. I note the concern that the proposal would add to traffic build up at the level crossing, but the additional traffic generated by one additional dwelling is unlikely to be significant. I have seen no firm evidence that the additional demands on local amenities could not be accommodated.
16. Neighbours are concerned that the proposal would set a precedent for similar proposals to replace bungalows with semi-detached houses. However, each case should be considered on its individual merits.

Planning Balance

17. Planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is one such material consideration. The parties agree that the Council cannot currently demonstrate a five year housing land supply, and the Council's evidence refers to a significant shortfall. Paragraph 11 of the Framework indicates that the policies which are most important for determining the application are out-of-date, where a five year housing land supply cannot be demonstrated.
18. Paragraph 11d) ii of the Framework states that for decision taking, this means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. I have had regard to paragraph 14 of the Framework which advises that when this 'tilted balance' applies, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all the specified circumstances apply. However, in this case, the circumstances do not apply, not least because parts (a) and (b) are not met as the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement, and the neighbourhood plan became part of the development plan more than two years before the date of the decision.
20. ANDP Policy ASH-H3 seeks to ensure a supply of small houses by restricting the number of new dwellings that have four or more bedrooms. This could affect the delivery of housing. However, it is broadly consistent with the Framework, which seeks to ensure that policies reflect the housing needs of different groups, and so still carries a moderate amount of weight.
21. In terms of benefits, the proposal would provide one additional dwelling within a built up area, which would make a modest contribution towards housing supply. In view of the significant shortfall, this attracts moderate weight.
22. In the context of paragraph 11 of the Framework, the adverse impacts would not significantly and demonstrably outweigh the benefits. Therefore the 'tilted balance' points towards the grant of planning permission. In conclusion, while not in accordance with ANDP Policy ASH-H3, the proposal would be acceptable, having regard to this material consideration.

Conditions and Conclusion

23. I have considered the suggested conditions in the light of the Planning Practice Guidance (PPG). In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, in the interests of clarity. A condition requiring the provision

and retention of parking is required in order to ensure that adequate parking is provided. It is necessary to ensure that new hard surfacing to the front of the property is appropriately drained to prevent any increased risk of flooding. The obscure glazing of first floor windows in the south east elevation is required to prevent overlooking of neighbouring properties. Justification has been provided for a condition requiring the reduction of carbon emissions.

24. For the reasons set out above, and taking into account all matters raised, I conclude that the appeal should be allowed.

N Thomas

INSPECTOR

Schedule of 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: Drawing numbers 219/85/01, Site Plan, untitled location plan.
- 3) The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development hereby permitted and thereafter retained for that purpose.
- 4) Any new or altered hard surfacing to be provided to the front of the property shall be constructed from either porous materials or shall make adequate provision for the direction of run-off from the hard surface to a permeable or porous area.
- 5) The building hereby permitted shall not be occupied until the windows at first floor on the south east elevation have been fitted with obscured glazing and once installed the obscured glazing shall be retained thereafter.
- 6) Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.