
Appeal Decision

Hearing Held on 18 September 2019

Site visits made on 17 and 18 September 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/C3620/W/18/3219235

**Clover Down, Chartland Lodge and Nor-ven, Leatherhead Road, Bookham
KT23 4RR**

- 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 McCarthy & Stone Retirement Lifestyles Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2017/2278/PLAMAJ, dated 20 December 2017, was refused by notice dated 6 July 2018.
 - The development proposed is for the erection of 24 two-bedroom apartments with associated communal areas, landscaping and parking (C3 residential use).
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Decision

1. The appeal is dismissed.

Application for costs

2. Prior to the hearing an application for costs was made in writing by McCarthy & Stone Retirement Lifestyles Ltd against Mole Valley District Council. Additional comments were also made on this matter during the hearing. This application is the subject of a separate Decision.

Preliminary Matters

3. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. In addition, the 2018 Housing Delivery test Results were published on the same date. The main parties were given the opportunity to comment on these documents. In reaching my decision I have had regard to them, where relevant.
4. The Council refused planning permission for two reasons. The second reason related to the lack of a signed legal agreement securing a financial contribution towards the provision of affordable housing in accordance with the Councils' adopted supplementary planning document "affordable housing". In their statement of case the Council revised its position stating that they had reassessed the viability on this site and concluded that the surplus/deficit of the scheme would be close to zero. As a result, the Council withdrew the reason for refusal relating to affordable housing and this was not pursued at the hearing.

5. Shortly before the hearing, parties agreed a statement of common ground (SOCG). Within that statement and again at the hearing the parties agreed that the Council could not demonstrate a five-year supply of housing. This position has implications for the determination of the appeal where a presumption in favour of sustainable development exists and paragraph 11 d of the Framework is engaged. I must therefore consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. This is a matter to which I will return.
6. At the hearing clarification of two plan numbers was sought. The SOCG detailed drawings LN00519 L100 and LN00519 L100 whereas the submitted plans included revisions to both those plans (annotated Revision PO1). The agents clarified that the revised drawings were the correct versions and the Council confirmed the revised plans were considered in reaching its decision. I will consider the appeal on this basis.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area.

Reasons

8. Further to the SOCG it was clarified that the Council did not take issue with the proposal in terms of its architectural detailing. The Councils' primary concern being the form and scale of the proposal as a single building in relation to the context within which it would sit.
9. The area is characterised by low density individual housing of varied design set on generous plots which contain a wealth of mature trees and vegetation, and where the individual dwellings are subservient features to the mature trees/landscaping appearing recessive from Leatherhead Road. Features identified in the Bookham and Fetcham character appraisal highlight that houses in this area are often set back behind well-maintained front gardens and lateral separation between buildings combine to create a strong sense of spaciousness.
10. The appeal site comprises three detached two storey properties all set within generously sized plots, well back from the road and behind frontages which contain extensive mature vegetation. These plots together with adjacent two storey properties, also with the same general configuration, contribute to a pleasing street scene. I found that gaps between the buildings afford views to gardens at the rear. Even though houses can be seen beyond the rear of the site, its location at the very outer edge of the built-up area and opposite agricultural land gives the appeal site a well-established semi-rural feel.
11. A number of the trees on the frontage and within and beyond the rear of the site are of a significant size and these together with the other features described make a strong contribution to the local character. The land to the south west of the site is open farmland. However, the existing vegetation on both sides of the road means that the appeal site is not readily visible from this agricultural land. The SOCG details that the development of the site would not result in any harm to the Green Belt or to the Area of Outstanding Natural Beauty. Nonetheless the proposal would involve the removal of a substantial

amount of vegetation along the road frontage such that the visibility of the site from the road would increase significantly.

12. The Framework and Planning Practice Guidance (PPG) advocate that good quality design is a key aspect of sustainable development and that design quality matters. The Framework seeks to ensure developments are sympathetic to local character and the surrounding built environment and permission should be refused where a development does not take the opportunity to improve the character and quality of an area. This relates as much to the mass and scale of a building as it does to architectural detailing. Moreover, the Bookham Neighbourhood Plan 2015 – 2026 (2015) (BNP) in Policy BKEN2 states a number of criteria which new development should meet; the most pertinent of which is that new development should 'respect the scale and character of existing and surrounding buildings'. Policy CS 14 of the Mole Valley Local Development Framework Core Strategy DPD (2009) (CS) requires new development to respect and enhance the character of the area.
13. The front elevation would be defined by a series of elements and projecting gables which together with the variety of materials would give some architectural relief to the structure. It would be no more than 1 metre taller than the existing building and would exhibit detailed to conceal an extensive flat roof. However, as a single building in excess of 20 metres in depth and at around 60 metres in width effectively occupying the whole width of the site its physical presence would be significantly greater. Moreover, it would be of a much deeper plan form than the existing buildings and set significantly further forward to the road than Clover Down and Nor-ven¹. In my view these factors combined would lead to the massing of the proposed building being highly visually obtrusive in the context of surrounding properties.
14. The appellants emphasised at the hearing that the building was 2 to 2.5 storeys and not significantly different than the buildings in the area. Whilst rooms would be contained within the roof it is clear to me from the evidence and particularly given the presentation of gabled details that the appearance is of a three-storey building which would be visually at odds with the adjacent properties.
15. In addition, much of the frontage would be taken up with car parking and a driveway with only a small number of the existing mature trees retained. Although hedge planting is proposed along the frontage of the site, the building due to its height, width and depth combined with the removal of vegetation, would appear excessively large and unacceptably prominent.
16. The replacement of three buildings of domestic proportions with a single structure of the magnitude proposed would constitute a significantly different form and size of building which would contrast starkly and unfavourably with the prevailing pattern of development. It would have a visual impact which would be so much greater than the existing and which would be manifestly at odds with surrounding development. It would have a dominating effect from the roadside which would not be sufficiently mitigated by the architectural variations included in the scheme, nor by the slight fall in land level between the building and the road. Equally the effect would not be lessened by the gaps at either side of the building, which the appellants suggest would be

¹ now named Meadow View

considerable, when in fact they would not be materially different to those which exist now.

17. It is correct that there is a wide variety of styles and shapes of buildings in the locality, the Neighbourhood Plan clearly acknowledges that fact. Whilst different does not necessarily mean harmful, and well-articulated elements and set backs have been incorporated in an attempt to minimise the visual impact of the development; they would, in this instance, do little to disguise the mass of the building. The appellants argued that such detail gives the impression of separate houses. However, I disagree. The overall effect of a single structure of significant width and depth with little discernible separation between the main elements, as is the case with existing houses, would be materially and harmfully greater. Overall in the context of existing two storey dwellings it would have a weighty and adverse effect on the appearance of the site and, as a consequence, a harmful effect on the character of the surroundings.
18. The proposed building would be visually prominent from the road frontage and from the approaches to the site from the south-west and north east. From the entrance to Lyngarth Close it would be particularly strident representing a discordant visual relationship with neighbouring buildings and which would be excessively dominant in scale and visually disruptive in the street scene.
19. Taking all of these aspects together, the proposal would conflict with Policy CS14 of the CS; Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (2000); and Policy BKEN2 of the BNP. These policies, which are consistent with advice in the Framework, seek to ensure that development should respect the scale and character of existing and surrounding buildings and achieve good design, respecting and enhancing the character of the area and having regard to the general space around buildings in the locality.

Planning Balance and Conclusion

20. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise; I must also take into account that the Council cannot demonstrate a five-year supply of deliverable housing sites. The proposal should therefore be considered in the context of the presumption in favour of sustainable development which means, for decision taking, that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
21. The proposal would bring about additional homes in a generally accessible location, moreover they would be of a specific kind for which there is an acknowledged demand which would assist in the physical and mental wellbeing of an older population who are seeking safety, security and a higher quality of life; these are benefits to which I give considerable weight. The proposal would also result in a New Homes Bonus and the provision of specialist accommodation could free up family sized units which are currently under-occupied; some of which could be in the local area. These are also clear benefits to which weight must be given.
22. I have taken account of the many reports which have been submitted in support of specialist provision for older people both in evidence and those

referred to at the hearing. The content of these reports was not disputed. I am also mindful of the appellants contention that if the site is not developed for this use then the ongoing critical need may not be met, and I especially note that active interest has already been expressed in the scheme. There would be economic benefit as a result of on-site managers and maintenance provision and the residents themselves would be regarded as an economic asset to the community. These facts may be so, but there is nothing to suggest that these benefits could not also be achieved by a scheme of more modest proportions which addressed the overall design issues.

23. The Framework advocates that, sustainable development has 3 main elements. In relation to its economic role, the proposal would make some contribution partly as set out above and also by the creation of construction jobs, on-site employment of staff and the economic activity of additional residents. In respect of the social role, more homes would be provided, of a specific type for which a need exists. With respect to the environmental role, for the reasons set out previously, I have concluded that there would be a significant and negative visual effect arising from the proposal. Taking the 3 elements of sustainable development together, I consider that, even when the lack of a five-year supply of housing is taken into account, the adverse impacts would significantly and demonstrably outweigh the benefits. As a result, the proposal is not regarded as sustainable development. A decision, other than in accordance with the development plan, is therefore not justified and the appeal fails.

Other Matters

24. Local residents and their representatives are concerned at the possible increase in vehicle movements and parking generated by the proposal. In relation to the number of vehicle movements, from my own observations the projected likely additional vehicle movements would be a very small fraction of the volume of traffic on the adjacent road and I note that the Council raises no objection in this respect. In relation to parking, taking into account the nature of the proposed development, the provision for access and parking would be acceptable to cater for the likely levels of demand arising from the development. In addition, taking account of the restrictions on the neighbouring highway, I consider that it would be unlikely that overspill parking from the development would take place near to the appeal site. With regards to construction traffic and parking, this could be addressed by a suitable condition had I reached a different conclusion.

Conclusion

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

Janet Wilson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr Robert Walton QC	Barrister representing McCarthy & Stone Retirement Lifestyles Ltd
Mr Kenneth Brown	of Townscape Solutions – Design Advisor
Mr Ian Hann	of The Planning Bureau
Mr Robert Towse	of On Architecture
Mr Horace Tse	McCarthy and Stone Retirement Lifestyles Ltd
Mr Amit Rabhera	McCarthy and Stone Retirement Lifestyles Ltd
Mr Allan Burns	Independent Consultant
Mr Peter Graham	of The Planning Bureau

FOR THE LOCAL PLANNING AUTHORITY

Ms Jennifer Seaman	Senior Planner acting for Mole Valley District Council
Ms Jane Ottaway	Senior Planning Technical Officer Mole Valley District Council

INTERESTED PERSONS

Mr M Ablea	Local resident
Ms Antoinette Abela	Local resident
Ms S Palmer	Local resident
Mr Richard Moyse	District Councillor for Bookman North
Mr Peter Seaward	Bookham Residents Association

Documents submitted at the hearing

Document 1 –	Agreed set of Planning Conditions
Document 2 –	Bound set of core documents (duplicates for information and ease of reference)
Document 3 –	Two A3 photomontage images
Document 4 –	Healthier and Happier – An analysis of the fiscal and wellbeing benefits of building more homes for later living.