
Appeal Decision

Site visit made on 20 January 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary

Decision date: 29 January 2020

Appeal Ref: APP/C3620/W/19/3240343

26 Hazel Way, Fetcham, Surrey KT22 9QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Daniel Absalom against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0571/OUT, dated 14 March 2019, was refused by notice dated 14 August 2019.
 - The development proposed is described as 'outline planning application for the construction of three new dwellings on the site of 26 Hazel Way and to the rear of 22 and 24 Hazel Way, Fetcham following the demolition of the existing Chalet Bungalow on the site of No. 26. The application includes a new crossover from Hazel Way'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with the 'access', 'layout' and 'scale' of the development advanced for consideration. 'Appearance' and 'landscaping' are therefore reserved matters not before me. I have assessed the proposal on this basis with any reference to landscaping and appearance on the drawings treated as being indicative.
3. A revised block plan has been deposited with the appeal that seeks to omit the provision of low walls within the rear gardens. The Council has not submitted an appeal statement so its position on the acceptability of this amendment is unclear. That said, the change is minor in scope and all interested parties have had an opportunity to consider it. I have therefore accepted the amended plan as no party would be significantly prejudiced by me doing so.

Main Issues

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located in Hazel Way, a linear residential street with a clear and discernible pattern of development comprised of dwellings in reasonably wide, consistently spaced and generously sized plots positioned to front the road in appreciable building lines. The position of the properties generally towards the front of their respective plots results in large and verdant rear

gardens that provide a pleasant backdrop to the frontage development. As such, Hazel Way is a good example of the mid twentieth century development in the North Fetcham and Shopping Centre Character Area¹.

6. The appeal scheme is for the erection of two dwellings in a 'backland' tandem position behind the frontage development in Hazel Way. In addition, a third dwelling would be located broadly in the position of the existing dwelling, but on a notably narrower plot. This is necessary to accommodate the access road. All three dwellings would occupy untypically shaped plots of a relatively small size when compared to others in Hazel Close. The two bungalows would be comparatively dominant in their plots due to the site coverage. In this respect, they would appear rather cramped and the site overdeveloped when viewed in the context of Hazel Way. As such, the proposal would be harmfully out of keeping with the overriding pattern of development in the street.
7. Although a dwelling would not be located to punctuate views along the proposed drive, the departure from the prevailing pattern of development in Hazel Way would still be apparent. This is because the bungalows, due to their size and height, would be seen in views between the new dwelling in Plot 1 and 24 Hazel Way and then between 22 and 24 Hazel Way. They would also be very apparent from surrounding properties. Moreover, the presence of the access drive and the narrow width of Plot 1 would mark the site out as being discordantly different to those elsewhere in the street.
8. The Council's Tree Officer has not objected to the loss of some of the existing trees. But the presence of the development would inherently limit opportunities for new landscaping to establish, particularly mature landscaping. This would erode the verdant backdrop in the street and the sense of openness and space behind the frontage development, which is an important local attribute. The potential for landscaping along the access drive, which would probably be low hedging, would not mitigate for the cumulative loss of existing landscaping. This includes some larger specimens such as the Oak tree T6.
9. 'Backland' development is present elsewhere in Fetcham², but housing behind the frontage building line is uncommon within Hazel Way, with Hazelway Close being the only example. This is a small gated cul-de-sac developed in a comprehensive way that interrupts the rhythm and general pattern of development in the wider street. It's an isolated example, the presence of which does not justify a further erosion of the pattern of development in Hazel Way. Bickney Way and Sherwood Close to the north east of the appeal site exhibit a markedly different pattern of development to Hazel Way, with properties in smaller plots and in a more ad hoc cul-de-sac arrangement. The appeal site is not appreciated in the context of these streets and therefore the backland nature of the appeal scheme is not justified by the layout and grain of development in Sherwood Close and Bickney Way.
10. In conclusion, the proposal would harm the character and appearance of the area. This would be contrary to Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 and Policy CS14 of the Core Strategy 2009, which seek to secure development that respects the character and appearance of the locality, including site features and the street pattern.

¹ As set out in the Council's Built Up Areas Character Appraisal; Bookham and Fetcham 20010

² As demonstrated in Appendix 2 of the appellant's submissions

Other Matters

11. The Council cannot currently demonstrate a five-year housing land supply as required to by the National Planning Policy Framework and the shortage is serious at around two years. Thus, the tilted balance in Paragraph 11d) of the Framework is engaged as an important material consideration. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
12. The proposal would harm the character and appearance of the area contrary to Paragraph 127 of the Framework. In this respect it would be unsuitable when applying Paragraph 68c of the Framework. The conflict with local and national policy is a matter of significant weight against the proposal.
13. Weighed against this, the net delivery of two additional homes in a built-up location close to local services and facilities would be a benefit given the Framework's aim to significantly boost the supply of housing and promote sustainable transport. The serious undersupply means the delivery of two extra homes becomes a matter of added note.
14. In addition, the proposal could provide limited revenue to the Council and some modest support to the local economy through construction jobs and the 'spend' of future residents. The provision of bungalows would also add to housing choice. However, the modest size of the proposal limits the extent of many of the aforementioned benefits. Moreover, evidence has not been submitted to suggest nearby services are failing for lack of patronage. As such, the economic benefits would be generic and limited. Overall, the benefits of the proposal are matters of moderate weight in favour of it.
15. Consequently, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. This does not suggest the appeal should be determined other than in accordance with the development plan.
16. Standing advice provided by Natural England and the Forestry Commission³ suggests a buffer should be provided between ancient woodland and new development. In so doing the buffer should include semi natural habitats, be at least 15 metres deep and normally avoid the inclusion of gardens. The buffer is often necessary to lessen the general disturbance upon flora and fauna in the wood and protect tree roots. It also limits the risks from fly tipping, predation from pets and colonisation by invasive garden species.
17. The buffer suggested would be within the modest rear gardens of the bungalows and about three metres in depth. It would also be separated from the wood by a fence. Thus, the appeal scheme would not include a buffer in accordance with the standing advice. It would also be difficult to enforce the retention of the buffer and the presence of semi natural species within it given the garden location. Given these reservations, I would need to see significantly more evidence before I was satisfied the proposal would not adversely impact the ancient woodland and the biodiversity therein. However, given my overall conclusion it is not necessary to consider this further.

³ Ancient woodland, ancient trees and veteran trees: protecting them from development – 5 November 2018

18. Similarly, various concerns have been raised by interested parties including reservations regarding the effect on living conditions, road safety and flood risk, which I have noted. Representations have also been received regarding an application for an Adverse Possession. However, given my findings and overall conclusion it has not been necessary for me to address these matters further as the appeal has failed on the main issue.

Conclusion

19. The appeal scheme would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR