



Appeal Decision

Site visit made on 18 February 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/C3620/W/19/3240941

51 The Glade, Fetcham, Surrey KT22 9TB

- 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 and Mrs Alan and Caroline Pearce against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0908/PLA, dated 17 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the demolition of existing 2-storey house (former bungalow with loft space previously converted) and replacement with 2no. 4 bedroom two-storey houses, associated hard landscaping and forecourt for parking/turning.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development used in the decision notice, in my heading above I have taken the description of development from that used on the original planning application form.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of the neighbouring occupiers at 2 Bushy Road, with particular regard to outlook.

Reasons

4. The Glade predominantly comprises detached dwellings of mixed styles and designs set within fairly generous verdant grounds. The planting and hedgerows along most of the front boundaries combined with the setback given to most built form, gives a spacious feel and prominence to the significant number of mature trees in gardens and adjacent to the nearby railway line. Bushy Road mostly comprises low-density bungalows with more open aspects. In both cases, despite variety in the appearance of dwellings, there is some coherence derived from the conventional form of construction, utilising pitched roofs. Taken together, this results in a pleasant leafy and spacious sub-urban character to the area.
5. The appeal site currently accommodates a detached dwelling set within a large garden. Although originally a bungalow with a hipped roof form, the dwelling now incorporates an extended loft space. Even so, it has a low profile

consistent with bungalows in Bushy Road. Its modest height and form combined with the continuous established hedgerow along The Glade and presence of 2 Bushy Road, means that the property has an unassuming presence in the street scene¹, although it can be glimpsed against a backdrop of trees from the corner of Bushy Road and The Glade. Its modest presence, and generous garden with mature trees and planting positively contribute towards the sense of spaciousness and leafy character of the area. In particular, the space to the front of the dwelling allows for views towards the trees along the railway line.

6. This resonates with the content of the Built Up Areas Character Appraisal, Bookham and Fetcham, Supplementary Planning Document, February 2010. This identifies key characteristics for West Fetcham as including a strong sense of spaciousness and generous tree cover², and notes that the housing designs in evidence generally have little local distinctiveness as they are fairly typical of suburban development seen in the south east of England. Nevertheless, there is a sense of coherence despite this and it specifically comments that roofs are almost universally pitched³.
7. The proposal would introduce two detached two-storey houses with broadly square footprints and flat roofs that would result in a somewhat boxlike appearance. This form of dwelling would add considerable bulk and mass at first floor level in comparison to the existing property. Views of this would be possible from the railway bridge to the north east of the site. The dwellings would also be seen from the south, in contiguous views with the low roof profile of 2 Bushy Road in the foreground⁴. The juxtaposition of the proposed dwellings and the bungalow would result in such a marked contrast in form that the development would appear incongruous in this context.
8. Furthermore, the staggered arrangement would mean plot 1 would be sited significantly nearer to The Glade than the existing dwelling and 2 Bushy Road. When this is combined with the proposed height and increase in built form, the development would be considerably more prominent within the street scene, which is illustrated in the comparisons between the profile of the existing and proposed built form shown in drawing 345/P/005. This would particularly be the case when viewed from the south east where the more immediate presence of the dwellings would harmfully detract attention from the backdrop of mature trees. Taking these factors together, the development would adversely diminish the sense of spaciousness.
9. In support of the proposal, the appellant describes the dwellings as providing landmark buildings at a natural termination point within the road. However, for the reasons outlined, the more obvious presence of the proposed dwellings would have a discordant and harmful impact on spaciousness, one of the key characteristics of the immediate surroundings. Consequently, it would conflict with paragraph 127 c) of the National Planning Policy Framework (the Framework) which states that planning decisions should ensure that developments are sympathetic to the local character and history, including the surrounding built environment and landscape setting.

¹ Drawing 345/P/004 Elevations as existing

² Page 16

³ Paragraph 7.4.5

⁴ Drawing 345/P/005 Elevations as proposed

10. I acknowledge that there is some diversity in housing style along The Glade, including the height of dwellings. Nevertheless, there is coherence derived from the use of pitched roofs, which in turn assists in reducing the profile and massing of buildings in the vicinity of the appeal site and heightens the presence and contribution of the natural environment. I further accept that the development would largely retain the trees that are present within the site. Nevertheless, this would not fully shield the harmful impact of the additional built form identified above.
11. Reference is made to development at 45 The Glade⁵ whereby a chalet bungalow was replaced with two taller properties than the appeal proposal. One of the representations received from a local resident also refers to development at 32 The Glade. Whilst I have little information regarding the former properties at those sites, I observed the recently built dwellings to have a direct frontage onto The Glade with a pitched or hipped roof form and similar setback to surrounding properties. Moreover, unlike the appeal proposal, they are not generally seen with a bungalow in the foreground and therefore, are reasonably integrated into their context. Given the different form and locations of the dwellings, they are of limited weight as a direct comparison with the appeal proposal. In any event, I have determined the proposal on its own merits based on the evidence before me.
12. Accordingly, I find that the development would be harmful to the character and appearance of the area contrary to policy CS14 of The Mole Valley Local Development Framework, Core Strategy, October 2009 which, amongst other matters, requires new development to respect and enhance the character of the area. In addition, it would conflict with policy ENV22 of the Mole Valley Local Plan, October 2000 (LP) which sets out general development control criteria. These include requirements that development should be appropriate in terms of its scale, form and appearance and furthermore, that it should respect the character and appearance of the locality.

Living conditions of neighbours at 2 Bushy Road

13. 2 Bushy Road is a detached bungalow on an elongated plot to the south of the appeal site. The north western facing elevation of the property is located close to the boundary, within which I observed two windows. One of these was obscure glazed and therefore, would already provide only a limited outlook for the occupants.
14. I further observed that there is an existing detached garage and brick wall along the boundary between the appeal site and No.2 that are already likely to impact upon the outlook from the plain glazed window to a certain extent. The garage is closer to the boundary than proposed plot 2, and would be removed as part of the proposal, thereby slightly improving the existing situation. Moreover, notwithstanding that Plot 2 is of a greater height than the garage to be removed, it would be located at an angle to the boundary leaving a greater distance from the plain glazed window than is presently the case.
15. Taking these factors together, the proposal is unlikely to significantly alter the existing outlook for the residents at No.2. This is reinforced by the comments⁶

⁵ Reference MO/2016/0984

⁶ Dated 29 January 2020

in support of the development from the present occupants of No.2, who estimate that the development would represent a marginal improvement.

16. Accordingly, I find that the proposal would not cause unacceptable harm to the living conditions of the adjacent occupiers at 2 Bushy Road. Therefore, in this regard, it would comply with the relevant criterion of policy ENV22 of the LP, which seeks to prevent development from having an overpowering effect that significantly harms the amenities of occupiers of neighbouring properties.

Other matters

17. Although the preliminary roost assessment survey⁷ did not find bats present at the time of the survey, it did state that the existing dwelling at the appeal site has a high habitat value for supporting roosting bats, all of which are protected species. Given that it is proposed to demolish the dwelling, it recommended that three bat emergence/re-entry surveys were required during the active bat season (May–September) to confirm the presence or otherwise of a bat roost in the building. However, although there is reference to the surveys being undertaken⁸, I have no further surveys before me.
18. Given this uncertainty, the evidence does not show whether appropriate safeguards are proposed to adequately mitigate for the likely harm to a protected species. This is not a matter that can be appropriately made the subject of a condition, as in those circumstances, the principle of the development would have already been permitted. To do otherwise would conflict with advice in Circular 06/2005 Biodiversity and Geological Conservation whereby the presence of protected species and the extent that they may be affected should be established before any planning permission is granted. Therefore, it has not been demonstrated that the proposed development would have no materially harmful effects on a protected species.
19. However, given the substantive concerns I have already outlined, this matter is unlikely to alter the outcome of my decision, and so I have not considered it in further detail, nor returned to the parties for additional information.

Planning balance and conclusion

20. There is no dispute between the parties that the Council cannot demonstrate a 5-year supply of deliverable housing sites and the Council acknowledges that only 2.63 years supply can be shown, which reflects a considerable deficit.
21. Paragraph 11 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up-to-date and the presumption in favour of sustainable development means that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (the tilted balance).
22. Notwithstanding my concern regarding the absence of evidence to show that there would be suitable protection of protected species, on the evidence before

⁷ Arbtech survey completed 26.5.19

⁸ Design and Access Statement, Paragraph 7.2 Ecology

me, it is not shown that any of the circumstances listed in footnote 6 to paragraph 11 of the Framework would prevent the application of the tilted balance.

23. The primary benefit of the appeal proposal is that it would result in the net gain of one additional dwelling towards the overall housing supply in a reasonably accessible location where there is considerable unmet need. This would also bring associated economic benefits as a result of the modular construction, and the social and economic benefits associated with the occupants of an additional dwelling supporting local services. In addition, as pointed out in the representations received in support of the development, the nature of the modular construction using sustainable construction methods would provide energy efficient and comfortable accommodation for future occupants. Nevertheless, the scale of benefits likely to accrue from the two dwellings would be comparatively small. Therefore, overall these benefits attract limited weight.
24. The appellant highlights that the proposal would make more efficient use of the land. However, paragraph 122 d) of the Framework stipulates that planning decisions should support development that makes efficient use of the land, taking into account the desirability of maintaining an area's prevailing character and setting. For the reasons already outlined, I have found the proposal to be harmful to this character and therefore, in these circumstances this factor attracts only limited weight.
25. My attention is also drawn to the adequacy of the parking provision, the retention of trees and hedgerows at the site and that the privacy of existing and future occupiers would be safeguarded. Be that as it may, the absence of harm in relation to these matters does not count in favour of the proposal, as they would be required in any event by other development plan policies.
26. However, the adverse impact on the character and appearance of the area would significantly and demonstrably outweigh the modest benefits identified when assessed against the policies in the Framework taken as a whole. Therefore, even when the tilted balance in paragraph 11 d)ii) of the Framework is applied, it does not signal that permission should be granted.
27. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise⁹. In this case, I conclude that the proposal would be contrary to the policies of the development plan that seek to achieve a high quality design for new development. The benefits of the proposal do not attract sufficient weight to indicate that the decision should be taken other than in accordance with the development plan.
28. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.