
Appeal Decision

Site visit made on 2 June 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Appeal Ref: APP/C3620/W/20/3247356

4 Mole Road, Fetcham KT22 9RN

- 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 & Mrs Koper against the decision of Mole Valley District Council.
 - The application Ref MO/2019/2219/OUT, dated 17 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is erection of two semidetached 3 bedroom dwellings with associated parking and external works following demolition of the existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two semidetached 3 bedroom dwellings with associated parking and external works following demolition of the existing bungalow at 4 Mole Road, Fetcham KT22 9RN, in accordance with the terms of the application and subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr & Mrs Koper against Mole Valley District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Outline planning permission is sought with access, appearance, layout and scale to be considered at this stage. Details of landscaping are reserved for future consideration. I have therefore treated the landscape plan (MR06) as illustrative.
4. I have also dealt with another appeal (Appeal Ref: APP/C3620/W/19/3243530) on this site, which is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site includes a bungalow located near to the entrance to Mole Road from River Lane. The properties nearest to River Lane vary in age, size and design. Mole Road otherwise predominantly consists of semi-detached dwellings. The widths of the properties are reasonably consistent; however,

many dwellings have undergone side extensions and their widths and the spaces between them differ significantly as a result.

7. The proposed building would have one entrance in its front elevation and the other to its side. Although the plans show that there would be 2 separate areas of hardstanding in front of the building, one for each dwelling, the development would nonetheless appear as a single detached property within the road.
8. The proposed building's width would be comparable with the detached dwellings at nos. 6 and 8 Mole Road. Its ridgelines would be similar in height to the adjacent building at no. 2 Mole Road and the distance between it and nos. 2 and 6 would be such that the transitions in building heights would not stand out. In addition, the size of the spaces between the buildings would be similar to the spaces between other buildings in Mole Road. The building would not appear cramped, nor would the size of the gardens appear small when viewed from the road.
9. The landscape plan indicates that the existing soft landscaping in front of the bungalow could be replaced with comparable landscaping and boundary treatments could be provided which are in keeping with the area. The Council suggests that the soft landscaping may be removed by the future occupiers in order to provide additional parking spaces. However, there would nonetheless be scope for the retention of soft landscaping and other properties in Mole Road feature predominantly hard surfaced front gardens.
10. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. The proposal is in accordance with policy CS14 of the Mole Valley Local Development Framework Core Strategy and policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan, which require development to respect and enhance local character. It is also in accordance with the National Planning Policy Framework (the Framework) which, at paragraph 127, requires development to be sympathetic of local character.

Other Matters

11. Third parties have raised concerns that the proposed development would be harmful to the living conditions of the occupiers of the neighbouring properties, with particular reference to loss of light to no. 6 and overlooking of Sun Ede Cottage, which is located on the opposite side of Mole Road. It has also been raised that this proposal seeks the creation of a building with a greater ridge height than that which has been proposed for the other appeal on this site (Appeal Ref APP/C3620/W/19/3243530).
12. The separation distance between the proposed building and Sun Ede Cottage would be sufficient to prevent overlooking. Whilst no. 6 features windows in its side elevation closest to the proposed building, the Council undertook a relatively detailed assessment of the effects of the proposal on no. 6 within its officer's report and did not conclude that it would be harmful. In this context, and as this proposal would be further from no. 6 and have lower eaves than the other appeal scheme, I do not find that the development would be unacceptable in this respect.
13. The proposed development would result in one additional property in the area and thus any increase in traffic and on street parking would be minimal.

14. The main parties have referred to other appeal schemes that share some similarities with this appeal proposal. I do not find that the schemes are directly comparable as they are for different forms of development in different locations. In any event, I have assessed the proposal on its own merits.
15. I am informed that the Council cannot demonstrate a 5 year supply of housing and therefore paragraph 11d) of the Framework is engaged. The proposal would make efficient use of land to increase housing supply. I have determined that the proposal is acceptable in respect of the substantive issues and accords with the development plan. I am therefore satisfied that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development as set out in paragraph 11d) therefore weighs in favour of the proposal.

Conditions

16. The Council did not put forward planning conditions in the event that this appeal is allowed but did so for the other appeal. The appellant had the opportunity to comment on those conditions.
17. Conditions relating to the submission and timing of reserved matters applications and the commencement of development are necessary. A condition is needed to require compliance with the plans relevant to the details sought for approval. Limited details of the proposed external materials have been indicated on the plans and therefore a condition is necessary to ensure that the materials have a satisfactory appearance. The construction of the accesses and the layout and retention of the parking spaces need to be secured to ensure that adequate provision is made. A condition to obscure glaze and limit the openings of the first floor windows in the side elevations of the building is necessary to safeguard the privacy of the adjacent properties.
18. In relation to the other appeal, the Council requested a condition to require waste storage facility details to be provided; however, these details could be provided when landscaping is considered. The Council also suggested that permitted development rights be removed; however, paragraph 53 of the Framework states that this should only be done where there is clear justification. There is no evidence that the use of permitted development rights would result in harm and therefore these conditions are unnecessary. The Highway Authority has recommended a condition to require the provision of electric charging points. However, the Council did not recommend such a condition for the other appeal and I have not been provided with evidence which indicates that charging points are necessary.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Mark Philpott

INSPECTOR

Schedule of Conditions

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following plans: MR01; MR02; MR03; MR04; MR05; MR07.
- 5) Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the dwellinghouses hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No part of the development shall be first occupied unless and until the proposed modified accesses to Mole Road have been constructed in accordance with the approved plans and thereafter the accesses shall be kept permanently maintained.
- 7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purpose.
- 8) Prior to first occupation the first floor windows in the south-eastern and north-western elevations of the dwellinghouses hereby permitted shall be glazed in obscured glass and shall only be openable above a height of 1.7 metres above the internal floor levels of the rooms to which they relate. The windows shall be permanently retained in that form thereafter.