
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/19/3243530

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 Stan Koper (Oakton Developments) against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1779/OUT, dated 4 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is described as 'Outline application (with landscaping reserved) for the erection of a pair of semi-detached 3 bedroom dwellings with associated parking and external works following demolition of existing bungalow'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 parts of drawings 4MR01 and 4MR02, which indicate landscaping, as illustrative.
3. I have also dealt with another appeal (Appeal Ref: APP/C3620/W/19/3247356) on this site, which is the subject of a separate decision.

Main Issues

4. The main issues are the effects of the proposal on: (i) the living conditions of the occupiers of 6 Mole Road and the future occupiers of the development; and (ii) the character and appearance of the area.

Reasons

Living conditions

5. The appeal site consists of a bungalow within a residential area. The proposal seeks the demolition of the bungalow and the construction of a pair of semi-detached properties between nos. 2 and 6 Mole Road.
6. The site is located on a slightly higher land level than no. 6. The neighbouring dwelling features windows at ground floor and first floor level in its side elevation facing towards the proposed development. A fence has been erected on the shared boundary between the properties.

7. The nearest proposed dwelling would be closer to no. 6 than the existing bungalow. It would be deeper than the neighbouring dwelling and feature a higher ridge and eaves. The outlook from no. 6's first floor window would be reduced to a wall, roof and window immediately in front of it, to the extent that the development would be overbearing. The bathroom window could be obscure glazed and have its opening restricted to provide privacy to no. 6; however, this would not address the overbearing effect of the development.
8. The existing bungalow and the boundary fence already limit outlook from no. 6's ground floor window and thus the proposal would not be harmful in this respect. In addition, the boundary treatment between the dwellings would protect the privacy of the neighbouring property. No. 6's side windows are oriented to the north-west and thus the proposed development would not have a significant effect on the receipt of direct sunlight to those windows. Although the proposal would result in some loss of daylight, as a result of its hipped roof and no. 6's ground floor window being secondary, this would not be significant.
9. The Council's concerns in respect of the future occupiers' living conditions relate to the size of the proposed rear gardens and the proximity of the dwellings to the neighbouring properties.
10. None of the policies referred to on the Council's decision notice specify that private amenity spaces should meet specific size requirements. The proposed gardens would have a usable shape and be sufficiently large to meet the needs of the occupiers. Views of the gardens from the neighbouring properties would be typical of the prevailing character of the area. The windows in the side elevations of the proposed dwellings relate to bathrooms and studies and thus the limited outlook from those rooms would not be unacceptable. I therefore find that the proposed dwellings' rear gardens and their proximity to the neighbouring properties would be acceptable in respect of the future occupiers' living conditions.
11. I conclude that, although the living conditions for the future occupiers of the development would be appropriate, the proposal would result in harm to the living conditions of the occupiers of no. 6. The proposal is therefore contrary to policy CS14 of the Mole Valley Local Development Framework Core Strategy (Core Strategy) and policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (Local Plan), which aim to protect the living conditions of occupiers of residential properties. The proposal is also contrary to the National Planning Policy Framework (the Framework) which, at paragraph 127, seeks high standards in living conditions.

Character and appearance

12. The site is 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.
13. The uniform appearance of the proposed dwellings would be compatible with the semi-detached properties within Mole Road. Whilst most of the semi-detached properties are further from River Lane than the site, some are nearby and they would be visible within the immediate context of the development.

14. The widths of the dwellings and the gaps between the adjacent properties would be fairly narrow; however, there are similar properties and sufficient variety within the streetscene such that the development would not stand out in these respects. The dwellings would not appear cramped, nor would the size of the gardens appear small when viewed from Mole Road.
15. In order to accommodate the proposed parking spaces, the existing landscaping in front of the bungalow would be replaced with hard surfacing. Additionally, there would be limited scope for new soft landscaping. However, the landscaping is of limited prominence and other properties within Mole Road, including some of those nearby, feature predominantly hard surfaced front gardens. Boundary treatments could be provided to the front of the dwellings which would be in keeping with the area.
16. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. In this respect, the proposal is in accordance with policy CS14 of the Core Strategy and policies ENV22, ENV23 and ENV24 of the Local Plan, which require development to respect and enhance the character of the area in which it is proposed. In regard to this matter the proposal is also in accordance with the Framework which, at paragraph 127, seeks to ensure that development is sympathetic of local character.

Planning Balance and Conclusion

17. The Council has confirmed that it cannot currently demonstrate a 5 year supply of deliverable housing sites. In such cases, paragraph 11d) of the Framework requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
18. In this respect the appellant has furnished me with details of another appeal (Appeal Ref: APP/C3620/W/19/3232235) which has similarities with this appeal proposal and where paragraph 11d) of the Framework was engaged. I do not find that it is directly comparable with this appeal as the proposed development's relationship with its surroundings and the main issues in dispute are different. In any event, I am required to reach my own conclusions on this appeal proposal based on the evidence before me.
19. The appellant puts forward that the proposal would make efficient use of the site to contribute to housing supply. The appellant also identifies that paragraphs 66 and 123 of the Framework advise that small and medium sites can make an important contribution to housing requirements and homes should not be built at low densities. However, these are modest benefits as a result of the small scale of the development and, as such, the benefits are of modest weight. Conversely, the proposal would have a harmful effect on the living conditions of the occupiers of no. 6 Mole Road and it is contrary to the development plan and the Framework for this reason. I attach substantial weight to this matter.
20. I conclude that the adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The Framework does not indicate that a decision should be taken other than in accordance with the development plan.

21. The proposal is contrary to the development plan taken as a whole. There are no material considerations which outweigh the conflict with the development plan. Accordingly, for the reasons I have identified, the appeal is dismissed.

Mark Philpott

INSPECTOR