
Appeal Decision

Site visit made on 30 June 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2020

Appeal Ref: APP/C3620/W/20/3245558

31 Crabtree Lane, Bookham, Leatherhead, Surrey KT23 4PJ

- 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 D Absalom, Biles and Co Estates Ltd, against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0530/OUT, dated 11 April 2019, was refused by notice dated 15 August 2019.
 - The development proposed is for the erection of 3 No 1.5 storey 4-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with details of access, layout and scale to be determined at this stage. Matters of landscaping and appearance have been reserved for later determination.

Main Issues

3. The main issues are:
 - the effects of the proposal on the living conditions of the occupants at 29 Crabtree Lane and;
 - the effects of the proposal on the character and appearance of the area, including green infrastructure.

Reasons

Living conditions- light

4. The appeal site is part of the gardens to the rear of 29 and 31 Crabtree Lane, lying within an extensive and long-established residential area of Bookham village. There is a mature hedge in between the gardens which is extended by a close boarded fence between the houses.
5. The three new houses would be to the rear of 29 and 31, with the access being provided by extending the drive of the latter. This new access would run alongside the dividing hedge and fence in between the two properties. A turning area is proposed on the appeal site, close to a patio sitting out area.

6. The side elevation of this property that would border the proposed driveway has two clear windows at ground floor level. I noted on my site visit that these windows are openable and have clear glazing. I have not been presented with any evidence to indicate that they do not serve a habitable room.
7. Vehicles associated with these three new dwellings would pass very close to the neighbouring windows. Whilst the fence panel would offer some screening, the background glare from lights would inevitably spread over a wider area as the vehicle changed position. I am not aware that the intended ground levels have been established, but I noted that the rear garden is very slightly elevated which would be likely to position a departing vehicle's beam towards the windows.
8. A lighting assessment, modelling the spillage of light, has not been submitted. In the absence of any evidence to the contrary, I therefore conclude that disturbance is likely due to the proximity of the windows.

Living conditions- noise

9. The movement of cars and occupants walking along the access would be likely to create noise and disturbance given the proximity to the windows of No 29. When the windows were open this would be particularly disturbing. The patio/sitting out area would also be affected.
10. The noise and light disturbance could happen at any time of day or night, at random or regular times, both of which would be impair the basic living standards of the occupants. Whilst the traffic generation may be low it would only take one car at times of sleep to cause disturbance.
11. The fence could be required to be retained by a condition but as I have found above this offers only limited benefit. Whilst the access could also be hard surfaced this would not resolve the noise disturbance. Furthermore, the proposal shows very limited space for any significant new landscaping to segregate the new access from the garden of number 29.
12. I therefore conclude that the proposal would be harmful to the living conditions of the occupants of 29 Crabtree Lane. It would be contrary to Policy ENV22 of the Mole Valley Local Plan (LP) which amongst other matters seeks to protect neighbouring living standards as well as Policy BKH2 of the Bookham Neighbourhood Development Plan (NDP) which is cautionary on the impacts of accesses on living conditions. The proposal would also conflict with the aims of paragraph 8 of the National Planning Policy Framework (the Framework) which has a social objective to promote wellbeing.

The effects on the character and appearance and green infrastructure.

13. Numbers 29 and 31 are close together, which only allows a narrow viewpoint from Crabtree Lane. Therefore, only some of the development would be visible and only at a particular point. Moreover, the houses would be deep into the site and distanced from the public viewpoint. The existing dwellings would also screen some of the development. Furthermore, the site is not seen as part of any significant view; one's eye is drawn along Crabtree Lane rather than to the side. Consequently, the proposed development would not be prominent.
14. The layout shows each dwelling, evenly spaced around the access point with a reasonable sized garden, indicating that the proposed development would not

be cramped. In any event the resulting density would not be perceptible from Crabtree Lane. The layout also shows that parking can be accommodated without being obtrusive. The hardsurfaces proposed are limited to the basic access road, turning area and drives, which do not appear extensive.

15. The proposal would lead to the loss of grassed areas, several trees and shrubs, amounting to the loss of some green infrastructure. The overall garden space would also be diminished. However, none of the trees to be removed are protected and the site is surrounded by domestic environs on all sides, such that the loss in terms of character and biodiversity would not be significant.
16. I therefore conclude that the proposal would not be harmful to the character and appearance in the area, including the green infrastructure. In these respects the proposal would accord with Policies ENV22, ENV23, ENV24 of the LP as well as the Mole Valley Local Development Framework Core Strategy (CS) Policy CS 14, which seek to maintain local character, landscape and trees as well as promote appropriate design, in conjunction with NDP Policies BKH2, BKEN1 and BKEN2, and similarly paragraph 127 of the Framework. The Council has also provided Bookham and Fetcham Built Up Areas Character Appraisal, Supplementary Planning Document, which gives a character analysis of the area. The site and its immediate environs are not specifically mentioned, and the assessment's findings are similar to my own. I therefore conclude that the proposal would not be in conflict with the aforementioned policies.

Planning Balance

17. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites (the 5-year HLS): their appeal statement indicates a 3 year supply. Accordingly, the policies most important for determining the appeal are out of date and paragraph 11 (d) of the Framework is engaged. The proposal would not run counter to the Council's strategy for the location of development as indicated by Policies CS 1 and CS 2 of the CS which allow development in locations including Bookham. However, the proposal would harm living standards, and LP policy ENV22 to which I have already referred and which I consider to be most important is consistent with the Framework, in seeking to protect living standards. I therefore give significant weight to the conflict with LP policy ENV22.
18. Set against this conflict is the contribution of 3 dwellings to the local housing stock and the social and economic benefits that would result. The occupants would be likely to use the services and facilities in the village, which would help their viability. The appellant also notes that the locality is constrained by Green Belt and therefore is heavily reliant on sites such as this to deliver its housing land requirement. However, such benefits would be very limited in relation to the proposal. As I have found there would be harm to the living conditions of the occupants of the neighbouring dwelling, and accordingly the proposal would not meet the Framework's overall social objectives. Whilst I have found that the proposed development would not harm the character and appearance of the area, this is neutral in the planning balance.
19. In overall balance, I therefore conclude that the benefits of the proposal are significantly and demonstrably outweighed by the harm that has been identified in respect of living conditions. There is no reason to take a decision other than in accordance with the development plan.

Conclusion

20. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR