

Appeal Decision

Site visit made on 27 October 2020

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Reference: APP/C3629/W/20/3250894

Land at 'Hunter's Gate', Reigate Road, Brockham, Betchworth RH3 7ET

- 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 P Anderson against the decision of Mole Valley District Council.
 - The application (reference MO/2019/2147/PLA, dated 6 December 2019) was refused by notice dated 14 April 2020.
 - The development proposed is described in the application form as a "bungalow scheme".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of one detached dwelling and alterations to the access, on land at 'Hunter's Gate', Reigate Road, Brockham, Betchworth RH3 7ET, in accordance with the terms of the application (reference MO/2019/2147/PLA, dated 6 December 2019), subject to the conditions that are set out in the attached Schedule of Conditions.

Procedural point

2. Notwithstanding the description of the application that was given in the application form, the nature of the proposal can more clearly be expressed as the construction of one detached dwelling and alterations to the access.

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or intrusion on privacy).

Reasons

4. Brockham is a somewhat dispersed large rural village, located to the east of Dorking and extending southwards from the A25 Reigate Road. The settlement includes a number of more or less dense residential areas, extending up to Reigate Road on the western side of Brockham Road.

5. Reigate Road itself is a very busy trunk road, carrying fast moving traffic, and, opposite the appeal site, the main road is divided by a long, narrow traffic island and associated road markings, in order to allow safe turning at the junction with Brockham Road. There are pedestrian footpaths alongside the carriageway on both sides of the A25 on this stretch of the road.
6. The existing house at 'Hunter's Gate' is a large, two-storey detached house, with rendered walls under tiled roofs. It lies within the village confines, and nearby properties are typically substantial dwellings in large plots, with mature landscaping. The appeal site is within walking distance of facilities within the village.
7. 'Hunter's Gate' faces Reigate Road and is reached directly from the main road. It is set well below the level of the road and footpath, due to the fall of the land, and it is set back from its front boundary, which provides a visual screen to some degree. The house occupies a large plot, with both a deep front garden and a long rear garden that runs back to a separate access drive that leads directly from Brockham Road. This driveway is shared with other nearby properties but, provided that the proposed alterations are made to the existing access drive, it would be adequate to serve the proposed development in addition.
8. It is now proposed that a new dwelling should be constructed on the rear part of the back garden of 'Hunter's Gate'. The new building would be constructed in the form of a bungalow, with access from the shared driveway off Brockham Road.
9. The 'National Planning Policy Framework' (which was revised in February 2019) has the aim of making effective use of land and encouraging economic activity but it also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12). It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
10. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy CS14 of the 'Mole Valley Core Strategy' and Policies ENV22, ENV23 and ENV24 of the 'Mole Valley Local Plan'.
11. The proposed new dwelling would be constructed in the style of a bungalow, with eaves at ground floor level but with rooms on the first floor lit by dormer windows in part. The steeply pitched roof slopes would be truncated by a flat roofed area in place of ridges, with the result that windows would be awkwardly located, high on the roof slopes. Indeed, the truncated roof design is, if anything, unsympathetic to the appearance of the finished building, though it is not so unsatisfactory that the scheme ought not to be allowed. The house would be constructed of traditional materials and its appearance would not be out of character with its surroundings, in spite of the awkwardness of the flat roof element.
12. The proposed house would be substantial in volume but would not be excessively bulky in its setting. The plot would enjoy a reasonable back garden by modern standards and the house would be inset from its side boundaries. Some additional landscaping could be introduced, as indicated by the appellant,

- in accordance with conditions. Overall, therefore, the proposed development would fit comfortably into its setting.
13. In short, the proposed development would not cause undue harm to the character or appearance of the surroundings and it would, moreover, comply with planning policies that seek to make good use of land.
 14. Likewise, the new dwelling would not be unduly intrusive or overbearing towards neighbours, even in the context of the existing large plots that adjoin the site.
 15. On the other hand, the proposed south facing dormer window serving one of the main bedrooms on the first floor would obviously overlook the neighbouring property to the south, identified as number 6 Brockham Road, 'Saskatoon'. This bedroom would also have windows facing east, however, and a condition can be imposed to require the proposed south facing window to be glazed with obscured glass. This would overcome the objection that arises from the proposed plans, even though other solutions may also be available.
 16. Evidently, the appeal site lies within the built up area of the village, which is generally "sustainable" in planning terms, and the proposed development would make a small but useful addition to the supply of new homes. Moreover, the Council has acknowledged that they are unable to demonstrate a five year supply of land for housing development and, in consequence, an additional presumption in favour of the grant of planning permission applies, as set out in paragraph 11 of the 'National Planning Policy Framework'.
 17. I have concluded that the project would not be in conflict with the Development Plan, in principle, and that objections to the scheme that have been raised can be overcome by the imposition of suitable conditions. Thus, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
 18. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions included in the submissions and suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and simplicity.
 19. I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained, both in respect of the new building itself and the landscaping and layout of the site.
 20. However, I am not persuaded that a specific pre-commencement condition is necessary to control the site levels. The application drawings give a practical basis for the project work and the overall height of the proposed new building is not particularly critical, within normal tolerances. The levels can reasonably be identified in the landscape design details.
 21. Nor am I persuaded that a specific planning condition is necessary in relation to details of surface water drainage or the control of carbon emissions, bearing in mind the provisions of other legislation.

22. Furthermore, I am not convinced that it would be reasonable, in this case, for permitted development rights to be removed in respect of extensions and outbuildings, bearing in mind the general principle, which is stated in the 'National Planning Policy Framework', that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number HG-000_G (OS Plan / Block Plan);
 - drawing number HG-001_G_rev.A (Proposed Floor Plans);
 - drawing number HG-002_G_rev.A (Proposed Roof and Block Site Plans);
 - drawing number HG-003_G_rev.A (Proposed Elevations);
 - drawing number HG-004_G (Proposed Section A);
 - drawing number 19-000_VS_rev.C (Proposed Site Block Plan ...).
3. No materials that are to be used in the external surfaces of the building hereby permitted shall be incorporated into the building until samples (or specifications) of those materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any approved details, using the approved materials.
4. Prior to first occupation of the dwelling hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. All these works shall be carried out as finally approved in detail. The details to be submitted shall include proposed and existing finished levels, means of enclosure and functional services above and below ground. The details of the hard landscape works shall include details of provision for car parking (including surface materials), boundary treatment, refuse storage and access design. The details of the soft landscape works shall include details of all existing trees in the vicinity of the proposed development (and details of the method of protecting retained trees during the course of the work).
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. Prior to first occupation of the dwelling hereby permitted, the proposed dormer window in the south elevation of the building shall have been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further modifications to these windows shall be made and no windows, doors or openings of any kind shall be inserted in the south elevation of the building without the express written approval of the local planning authority.
7. Prior to first occupation of the dwelling hereby permitted, the areas shown on the approved plans and the approved landscaping scheme as being dedicated to car parking and manoeuvring (including the access and visibility splays) shall be laid out and brought into use as such. They shall be retained and used for no other purpose thereafter.