



Appeal Decision

Site visit made on 9 October 2020

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/01/2021

Appeal Ref: APP/C3620/W/20/3251306

1 Cobham Road, Fetcham KT22 9AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Treadaway against Mole Valley District Council.
 - The application Ref MO/2019/1681, is dated 18 September 2019.
 - The development proposed is described as demolition of the existing dwelling and erection of a 2 storey building with accommodation within roofspace containing 9 x 2 bedroom apartments with new vehicular access off Cobham Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. This appeal has been lodged following the Council's failure to determine the planning application. The Council in their appeal statement has put forward reasons for refusal had they been able to determine the application. The Council considers the main issues in relation to the proposal to be effect on the surrounding area in terms of design, effect on the amenities of the neighbouring properties; and highway safety issues.
3. The Council considers that the principle of development and amenity areas provided for future occupiers is acceptable. I do not disagree with this and therefore consider that the main issues raised in respect of this appeal are the effect of the proposed development on:
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of neighbouring properties; and
 - (iii) highway safety.

Reasons

Character and Appearance

4. The appeal site is within a predominantly residential area, characterised mainly by detached or semi-detached dwellings. A large apartment development, Harroway Manor, is adjacent the site, which is three storeys in height and of modern design.

5. The proposed development incorporates design features of properties within the area. Whilst the height proposed is similar to that of Harroway Manor the shallow hipped roof exacerbates the bulky form of the building and this along with the front gables projecting above the ridge line would be alien features in the streetscene.
6. Despite the use of differing materials and staggers in elevational details the design would appear bulky and out of keeping the streetscene.
7. I conclude that the proposed development would harm the character and appearance of the area. There is conflict with Policy CS14 of the Mole Valley Local Development Framework, Core Strategy (2009) (the Core Strategy) and Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (2000) (the Local Plan) which seek amongst other things to resist poor quality of design, by ensuring development respects the site, character and appearance of the locality.
8. The proposed development would be contrary to the National Planning Policy Framework (2019) (the Framework) which seeks to secure good design which adds to the overall quality of an area.

Living Conditions

9. The occupiers of the properties opposite the appeal site on Cobham Road and to the rear on Hawks Hill Close would not be harmed by the proposed development by virtue of separation distances between properties.
10. Harroway Manor is a U-shaped building, which does have windows in the closest elevation facing the appeal site. The proposed development would be much larger in form than the existing building on the site, reducing the separation distance to the existing windows, I have not been provided with information relating to which rooms the existing windows on Harroway Manor serve. Notwithstanding this due to the alignment of the proposed development there would not be harm to the living conditions of the occupiers of Harroway Manor.
11. Harroway Manor has outside communal garden/space, whilst the proposed development is large and closer to the boundary than the existing building, the proposed development would not affect the useability or quality of this space.
12. Side windows in the elevations closest to the shared boundaries are proposed to be obscurely glazed, this could be controlled by a planning condition. A planning condition could also be attached to control the insertion of additional windows.
13. The proposed development would follow the prevailing building line of the properties along Cobham Road, and would have a three storey projection at the rear close to the shared boundary with 3 Cobham Road. Whilst the proposed development includes retention of mature landscaping and a stepped in form, the proposed development would be visually dominant and overbearing which would harm the living conditions of the occupiers of 3 Cobham Road.
14. There is conflict with Policies ENV22 and ENV23 of the Local Plan which seek amongst other things to protect the living conditions of occupiers of neighbouring properties. There is conflict with the Framework which seeks to

ensure development has high standards of amenity for existing and future users.

Highway Safety

15. The proposed development includes 9 parking spaces, 1 per apartment and cycle storage. The Council confirm that the proposal complies with parking guidance, I have no substantive information before me to disagree.
16. I noted during my site visit that there are on-street parking restrictions along Cobham Road which would be managed and enforced by other channels, such as the police. There is no substantive evidence before me which confirms that the increase in traffic arising from the proposed development would harm the local highway network.
17. The proposed development includes a new access from Cobham Road over a raised grass verge, currently access is shared with neighbouring properties. The appellant has provided plans detailing street scene sections and visibility splay for the new access, including location of the closest tree to the proposed access located within the verge. The submitted plans demonstrate that the required visibility can be achieved however the plans do not take into account the ground levels of the verge, locations of mature trees within the verge all of which could have implications on highway safety.
18. I conclude that the appellant is unable to demonstrate that the proposed development would not have an unacceptable effect on highway safety contrary to Policy MOV2 of the Local Plan which seek to ensure that developments are satisfactorily integrated with the transport network.

Other Matters

19. The Council and the Appellant agree that the Council cannot demonstrate a five year of housing land supply. Under such circumstances, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.

Conclusion

20. The proposal would result in benefits in terms of providing much needed additional housing, which could be delivered quickly, in a sustainable location.
21. Construction works would create short term levels of employment and the provision of housing and would increase local spending which would contribute towards the local economy. Again, these are positive matters in the planning balance.
22. On balance, it is considered that the harm to the character and appearance of the area; living conditions of occupants of 3 Cobham Road; and highway safety that the proposed development would significantly outweigh the benefits of the proposal.
23. For the reasons set out above, I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR