



Appeal Decision

Site visit made on 5 January 2021 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/C3620/W/20/3254157

5-8 Raymead Close, Fetcham, Surrey KT22 9LP

- 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 John Crawford against the decision of Mole Valley District Council.
 - The application Ref MO/2020/0387/PLA, dated 24 February 2020, was refused by notice dated 5 May 2020.
 - The development proposed is described as, "construction of 4 no detached houses".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on highway safety, having particular regard to the nearby Public Right of Way;
 - the effect of the proposal on the living conditions of nearby occupiers, with respect to refuse collection.

Reasons for the Recommendation

Character and appearance

5. The appeal site includes land at the rear of the gardens of Nos 5 to 8 Raymead Close, and the adjoining access track. A key characteristic of this residential area, as defined in the Built Up Areas Character Appraisal: Bookham and Fetcham (adopted 2010) is that there is little local distinctiveness in housing

design. I concur with the Inspector's analysis in appeal decision 3179624¹ that the area includes a wide mix of housing types. Nevertheless, both Raymead Way and nearby parts of Cannon Grove contain properties set-back from the road with a fair amount of separation between them, particularly at first-floor level, and many have deep rear gardens. Raymead Close presents as a denser form of development, but overall the immediate area has a reasonably spacious character. The access track, which contains some shrubbery, provides a break from the rows of houses along Cannon Grove.

6. The proposal, for 4 detached houses of modernistic design, would have ridge heights that would assimilate adequately with the local area. However, the dwellings would be positioned very close together, and being two-storey, there would be little space present either side at first floor level. Additionally, they would be noticeably deeper than many nearby properties. As such, their positioning combined with their considerable bulk and mass would mean that they would appear cramped in their context. The hard surfaced forecourts, also positioned close together with little landscaping, and the likely presence of vehicles on them, would contribute to their appearing hemmed-in within their plots.
7. Furthermore, although there is a wide variety of property types in the vicinity, these are predominantly of a traditional character. The new dwellings would have dual-pitched roofs, one slanted to the side, and one flat, when viewed from the front. The majority of the windows would have a strong vertical emphasis. These features, and the largely box-like design of the properties, would appear exceptionally unconventional in their context, unduly contrasting with many of the properties on the nearby parts of Cannon Grove, Raymead Way and Raymead Close. The proposed materials would complement the chosen design, but the proposal as a whole would dilute the traditional character of the area, to its detriment.
8. I observed the development at Cannon Mews, but as each set of 3 terraced properties presents as one cohesive unit, it is not comparable with this appeal proposal for 4 detached properties. I also observed the 2 x 2 semi-detached properties on Cannon Grove, but those properties are of a markedly different design to the proposal before me. Thus, those developments are not directly comparable with the proposal, and they do not change my findings on this issue.
9. I therefore conclude that the proposal would have an unacceptable and significantly harmful effect on the character and appearance of the surrounding area. The proposal would conflict with Policy CS14 of the Mole Valley Core Strategy (adopted 2009) ('Core Strategy') and Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (adopted 2000) ('Local Plan') which collectively seek to ensure that all new development respects and enhances the character of the area in which it is proposed.
10. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework ('the Framework') which provides that planning decisions should ensure that developments are sympathetic to local character. In this regard paragraph 130 of the Framework states that permission should be

¹ APP/C3620/W/17/3179624 (Land at rear of 130 - 136A fronting Cannon Grove, Fetcham, Leatherhead, Surrey KT22 9JS)

refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Highway safety

11. Access to the new dwellings would be via a narrow track that is suitable for one vehicle at a time. Sight lines are adequate at both entrances to the proposed access route, and the evidence indicates that the track is currently used by vehicles.
12. However, currently there is no footway adjoining the track, and none is shown on the plans. I observed people walking and jogging along the track. Considering the likely significant increase in vehicle movements along the track that the proposal would generate, including those from future residents and potentially delivery vehicles, I consider that the proposal would cause a real danger to the safety of pedestrians.
13. With respect to the use of the track, the appellant has provided copies of a Grant and Release, dating from 1967, signed by the District Land Registry. However, those documents appear to relate to private matters, and no evidence of a Public Path Order made under either the Highways Act 1980 or the Town and Country Planning Act 1990 has been provided. Therefore, the evidence does not convincingly demonstrate that the Public Right of Way, Footpath no. 125, has been extinguished. As its usage by the public may continue, the highway safety issues caused by the proposal would persist.
14. Whilst planning permission was previously granted, resulting in the construction of No 58a Cannon Grove, and for the provision of garages at No 5 Raymead Close, the appeal proposal is for a much more intensive form of development. Therefore, those examples are not comparable and they do not change my findings on this issue.
15. I therefore conclude that the proposal would have an unacceptable and significantly harmful effect on highway safety, including pedestrians. The proposal would conflict with Policy MOV2 of the Local Plan which provides that development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure and the environmental character in the area, having regard to all forms of traffic generated by that development. The proposal would also conflict with objective 3 of the Surrey Transport Plan 2011 – 2026 which aims to improve road safety and the security of the travelling public in Surrey, and with paragraph 109 of the Framework which provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, which would be the case with this proposal.

Refuse collection

16. The appellant has clarified that rather than Recycling Collection Vehicles using the access track, occupants of the new dwellings would be required to take their waste bins to the end of the track, in the same way as the occupants of No 58a Cannon Grove do at present. However, this would have the consequence of a number of waste bins being positioned on or near the footway of Cannon Grove, which would result in unsightly clutter and could cause obstructions to users of the footway.

17. I therefore conclude that the proposal would have a significantly harmful effect on the living conditions of nearby occupiers, with respect to refuse collection. The proposal would conflict with Policy ENV22 of the Local Plan which provides that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of adverse environmental impacts, and with paragraph 127 of the Framework which provides that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters / Planning Balance

18. The provision of 4 family-sized dwellings, in a reasonably accessible location, would make a small contribution to the Government's objective of significantly boosting the supply of homes, and in this respect the proposal would comply with Policies CS1 and CS2 of the Core Strategy. Due to the quantum of housing provided, this matter has been given moderate weight.
19. The proposal would make an efficient use of land but the evidence does not convincingly demonstrate that the proposal would make an optimal use of the site, as required by paragraph 123 of the Framework. The sustainability credentials of the proposal are recognised, including the use of P.V. panels, water harvesting, and high-quality insulation, but for the reasons given above the proposal does not represent an outstanding or innovative design with respect to paragraph 131 of the Framework. Provision has been made for rapid charging points for electric cars, and for bike storage. Disabled access has been incorporated into the design. All these benefits are tangible, but modest, and accordingly I give all these considerations limited weight.
20. Taking all these other considerations into account, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified on the main issues, nor the conflict with the development plan when considered as a whole.
21. The Council has conceded that it cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The Council provided a housing land supply figure of 3.15 years, and this has not been disputed by the appellant. As such, the most important policies relating to this appeal are out-of-date for the purpose of paragraph 11 d) of the Framework. Due to the extent of this shortfall, I give this matter moderate weight. Aside from paragraph 11 d), it has not been argued that the planning policies relevant to this appeal are in substance out-of-date, and as they accord with the provisions of the Framework, I consider that they are not out-of-date in that respect.
22. However, I have identified an extensive degree of harm on all of the main issues, in conflict with the Framework and the development plan. Taking full account of all the matters advanced in support of the proposal (including the housing land supply position), I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Considering this, and taking account of all the relevant material considerations, I conclude that the decision on this appeal should be taken in accordance with the development plan.

Conclusion and Recommendation

23. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR