



Appeal Decision

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

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Appeal Ref: APP/C3620/W/20/3259297

99 Stag Leys, Ashted KT21 2TL

- 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 & Mrs Baker against the decision of Mole Valley District Council.
 - The application Ref MO/2020/0810/PLA, dated 13 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is described as, "Erection of 1 No. chalet bungalow on land at rear, including 2 No. car parking spaces and associated front and rear landscaping".
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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.

Procedural Matter

3. The Council's decision notice referred to a boundary hedge, but that hedge has been removed. Thus, that matter is not under consideration in this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. No 99 Stag Leys ('No 99'), a two-storey dwelling with a large garden, is located on a corner of Stag Leys, a residential street. Stag Leys consists of a variety of semi-detached two-storey dwellings, bungalows, and chalet bungalows. There is a notable diversity with respect to their architectural designs, fenestration arrangements, and external materials. The key characteristics of this residential area, as defined in the Built Up Areas Character Appraisal: Ashted (adopted 2010) includes dwellings set back from main through routes, with front gardens and large street trees creating sense of space and maturity, and the presence of good-sized gardens in relation to dwelling sizes.
6. Separation distances between dwellings vary along Stag Leys, but within the immediate vicinity dwellings tend to be separated from their boundaries by

garages, driveways, and pathways. As such, typically the dwellings sit comfortably within their plots.

7. The proposal, for a chalet bungalow, would be erected in the rear garden of No 99, and would be set-back from the road. Soft and hard landscaping, two off-street car parking spaces, and bin storage would be implemented as part of the proposal. An outbuilding, currently in-situ, would remain within the plot of the existing dwelling. The new dwelling would incorporate a hipped roof with two dormers, and in overall design terms, including its ridge height and materials, it would assimilate acceptably in its context.
8. Plot sizes along Stag Leys are broadly similar, although smaller plots exist at the three cul-de-sacs emanating from Stag Leys¹. The plot for the appeal site is, however, materially smaller than many surrounding plots. Whilst the new dwelling would be set-back sufficiently from the road, its positioning would leave very little space to its side boundaries. In particular, it would be very near to the close-boarded timber fencing along either side. Furthermore, it would be located close to both No 98 Stag Leys ('No 98') and the existing outbuilding to No 99. Accordingly, it would appear cramped within its plot. Additionally, its rear garden would be small in comparison with many nearby properties, further highlighting this issue.
9. The new dwelling would be positioned in a clearly visible location, near a corner of Stag Leys, and would be set forward somewhat from No 98. Therefore, its lack of adequate integration within its plot would be evident in wider views and would unduly contrast with the moderate sense of space around dwellings that is a predominant feature of this residential area. Planting to the front of the appeal site would provide visual interest but would not sufficiently compensate for the harm caused to the spacious character of the area.
10. I observed No 4A Stag Leys ('No 4A'), a chalet bungalow constructed on an infill plot near a corner. The planning permission² for No 4A was determined under the same extant Local Plan as applies to this appeal proposal. No 4A benefits from a large separation distance to the plot boundary for No 5 Stag Leys ('No 5'). Whilst No 4A is situated close to the plot boundary for No 4 Stag Leys ('No 4'), the dwelling at No 4 is positioned a substantial distance away from No 4A. As such, visually No 4A presents as having adequate space around it. In contrast, the proposal would be closely flanked by the existing outbuilding and No 98, and accordingly No 4A is not directly comparable.
11. The closeness of No 5 (including its windows to primary rooms) to the boundary with No 4A is noted, as is the fact that this situation in relation to windows to primary rooms does not arise with respect to No 98 and the proposal, but as this relates to fundamental planning principles, this factor has been given limited weight, and it does not alter my findings.
12. I therefore conclude that the proposal would have an unacceptable and significantly harmful effect on the character and appearance of the 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') and Policies AS-H5 and AS-En3 of the Ashted Neighbourhood Forum Neighbourhood Development Plan

¹ The Pointers; The Topiary; and Roebuck Close

² Local Planning Authority reference: MO/2008/0346

2015 – 2026 ('NDP') which collectively seek to ensure that all new development respects and enhances the character of the area in which it is proposed. 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.

Other Matters / Planning Balance

13. It is recognised that a genuine attempt has been made to overcome the previous planning concerns raised by the Council. Nevertheless, this is a neutral matter, which does not weigh in favour of this particular proposal.
14. The provision of one new dwelling, 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, CS2 and CS3 of the Core Strategy. There would be some economic benefits during the construction of the dwelling and from the spending of future occupiers. As only one dwelling is proposed, these economic and social benefits have been given moderate weight.
15. The proposal would incorporate sustainable and energy efficient materials, including at construction stage, and would use sustainable drainage systems. All these benefits are modest in nature, and as a group I have given them limited weight. The appellants have referred to paragraph 6.4.8 of the Core Strategy which refers to an overall target of 40 dwellings per hectare across the region. However, little evidence has been provided to demonstrate to what extent the proposal contributes to that target, and therefore this matter has also been given limited weight.
16. While the proposal would comply with some locational policies within the development plan, the harm I have found to the character and appearance of the area is significant and contrary to policies within the Core Strategy, the Local Plan and the NDP. These policies are in accordance with part 12 and paragraph 8 of the Framework and seek to provide good design and protect the built environment. There would therefore be conflict with the development plan as a whole.
17. The Council has conceded that it cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). As such, the most important policies relating to this appeal are out-of-date and paragraph 11 d) ii of the Framework is engaged.
18. However, I have identified a significant degree of harm with respect to matters of character and appearance, 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 when assessed against the policies in the Framework as a whole. 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 issue, nor the conflict with the development plan when considered as a whole.

Conclusion and Recommendation

19. 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

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

Zoe Raygen

INSPECTOR