
Appeal Decision

Site visit made on 23 March 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/K3605/W/20/3262509

10 Old Farmhouse Drive, Oxshott, Leatherhead, KT22 0EY

- 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 Ms R Long (Hideaway Concepts) against the decision of Elmbridge Borough Council.
 - The application Ref 2019/1257, dated 17 May 2019, was refused by notice dated 12 May 2020.
 - The development proposed is the sub-division of existing garden and erection of detached single storey two bedroom dwelling and creation of new access onto Leatherhead Road.
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Decision

1. The appeal is allowed and planning permission is granted for the sub-division of existing garden and erection of detached single storey two bedroom dwelling and creation of new access onto Leatherhead Road at 10 Old Farmhouse Drive, Oxshott, Leatherhead, KT22 0EY in accordance with the terms of the application, Ref 2019/1257, dated 17 May 2019, subject to the conditions set out in the schedule attached to this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The appeal site currently forms part of the side and rear garden of 10 Old Farmhouse Drive. The proposal is for a single storey dwelling which would front onto Leatherhead Road.
4. The surrounding area is mixed in terms of its character and appearance, comprising of mainly detached and semi-detached dwellings of varying architectural designs. Whilst these are predominantly two storey, there are also examples in the locality of other styles of dwellings, including chalets and bungalows. There is also little uniformity in terms of the size and shape of plots within which the dwellings are located.

5. The proposed dwelling would be sited adjacent to 1 Farmhouse Cottage, which is a two storey semi-detached dwelling that has recently been extended to the side. I also note that Nos. 1 and 2 Farmhouse Cottages have been designated as locally listed buildings. The host dwelling, 10 Old Farmhouse Drive is also two storey but is of a mock Georgian design and appearance. Whilst the host dwelling fronts onto Old Farmhouse Drive, its rear elevation is visible from Leatherhead Road.
6. The proposed dwelling would be located on a plot that is smaller than those in the immediate area. However, whilst the site tapers to the rear, its frontage width would only be slightly narrower than that of the adjacent dwellings. The proposed two bedroom dwelling would set in from the side boundaries of the site by a minimum of 1 metre and would be provided with a rear garden depth of up to 11 metres in depth. Furthermore, the proposed new dwelling would respect the siting of the adjacent dwellings, Nos 1 & 2 Farmhouse Cottages, and would be set back from Leatherhead Road by a similar distance. Overall, the proposal dwelling would sit comfortably within its plot and in my view the overall plot size would not significantly detract from the character of the area.
7. The proposed dwelling would be single storey and would be of a modern design with a dual mono pitched roof. It would be constructed in materials such as render and cedar boarding for the walls and sedum (green) roof. Whilst the height and design of the dwelling would be different to that of adjoining dwellings, I do not consider that it would be harmful to the established character and appearance of the street scene given its overall mixed character and appearance. It would also be constructed in a contrasting pallet of materials; however I am nonetheless satisfied that these materials would enable the dwelling to integrate satisfactorily with its surroundings. The dwelling would also be partly screened from Leatherhead Road by the existing high boundary treatment adjacent to the road frontage and given its single storey design, it would not be overly prominent in the street scene.
8. As noted above, Nos. 1 & 2 Farmhouse Cottages are locally listed buildings. The boundary with No 1 is formed by a 1.8m high close boarded fence raised up on gravel boards and given the low height and scale of the proposed new dwelling, I am also satisfied that the proposal would not detract from the setting of these dwellings.
9. For the above reasons, the proposed dwelling would not have a harmful effect on the character and appearance of the area. I therefore find that the proposed development would comply with Policies CS10 and CS17 of the Elmbridge Core Strategy Development Plan Document 2011 (CS) and Policy DM2 of the Elmbridge Development Management Plan 2015 (DMP). These policies seek amongst other matters to ensure that new development preserves or enhances the character of the area and integrates sensitively with the locally distinctive townscape. For the same reasons, the proposal would accord with the design objectives of the National Planning Policy Framework (the Framework). Furthermore, in providing for a two-bedroom dwelling, the proposal would comply with Policy CS10 of the CS which also encourages the provision of small family units.

Highway Safety

10. The proposed access would be positioned adjacent to the existing access serving 1 Farmhouse Cottage. This section of Leatherhead Road is subject to a

30mph speed limit. Whilst the proposed access would be located at a bend in the road, the submitted drawings show that the required visibility splays of 2.4m x 43m could be provided in both directions. The proposals show the provision of two on-site parking spaces and associated turning space. The Highway Authority has raised no objection to the proposal on parking, highway safety or capacity grounds, subject to conditions.

11. I am aware that some of the representations received raise concern regarding highway safety and include photographic evidence of an accident close to the site. The Highway Authority's consultation response confirms that an appropriate Road Traffic Incident (RTI) check has been carried out. The conclusion of this is that the location for the proposed access does not have sufficient evidence to demonstrate that it is a RTI blackspot in relation to the geometry or engineering of the road itself.
12. From my site visit I am satisfied that adequate visibility in both directions is achievable, as set out on the application drawings. I also acknowledge the presence of other residential accesses along this stretch of Leatherhead Road and as such, precedents already exist. Several local residents have highlighted that the 30mph speed limit is often exceeded in this location, however this is a separate enforcement matter. In the absence of any substantive evidence to the contrary, I concur with the views of the Highway Authority that the proposal is acceptable with regards to highway safety, subject to the suggested conditions.
13. I therefore conclude on this issue that the proposed access arrangements would not have a harmful effect on highway safety. As such, the proposal would comply with Policy DM7 of the Elmbridge Development Management Plan 2015 which requires safe and convenient access arrangements for new development.

Other Matters

14. A signed unilateral undertaking (UU) has been submitted, which provides for the payment of a financial contribution towards affordable housing in line with Policy CS21 of the CS. The development plan seeks to meet an established local need, and there is substantial evidence on both the affordability of housing in the borough, and the importance of small sites in delivering housing. As such, whilst I acknowledge that there is tension between the development plan policy and paragraph 63 of the Framework, in this case there is a demonstrable local need and evidence base supporting the payment of affordable housing contributions. Accordingly, following the test at paragraph 213 of the Framework, I consider that Policy CS21 is consistent with the overarching aim of the Framework to deliver a sufficient supply of new homes.
15. Therefore, on the basis of the evidence before me, I am satisfied that the UU is necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development. It would therefore meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework.
16. With regard to representations concerning the impact of the proposal on the living conditions of occupiers of 1 Farmhouse Cottage, the proposed dwelling would not extend beyond the rear elevation of 1 Farmhouse Cottage. Whilst it

would be forward of the recently constructed side extension to No 1, given its angled orientation, the existing boundary treatment and the low nature of the proposed dwelling, I am satisfied that there would be no substantive harm to the living conditions of the neighbouring occupiers through loss of outlook or privacy. I have also had regard to the change in levels across both sites however, given the existing boundary fence and the positioning of the dwellings, I am satisfied that the privacy of both the existing occupiers of No 1 and the potential future occupiers of the new dwelling would be satisfactorily maintained. The proposal therefore accords with DMP Policy DM2 in so far as it requires development proposals to protect the amenity of neighbouring occupiers.

17. With regard to representations concerning flooding and other drainage issues, the Council confirm within their officer report that the site is not in an area of flood risk. Site drainage and sewage would be matters considered under building regulations.
18. Noise, pollution and other disruption associated with the construction process would be temporary and would not be a reason to withhold planning permission.
19. Representations have raised the issue of covenants. The planning process does not override separate legal covenants and this is not a consideration that I am able to take into account. The effect on property values is also not a matter I can take into consideration.
20. With regard to pressure on existing services, the proposal is for one additional dwelling and I have not been provided with any substantive evidence to demonstrate that existing services would be under significant pressure as a result of the proposal.
21. Concern has also been raised in representations that the proposal would set a precedent for similar development. In this regard, any application would be assessed by the Council on the characteristics of each site and merits of the proposal before them.

Conditions

22. I have had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance (PPG) as well as the conditions suggested by the Council.
23. In addition to the standard implementation condition, the approved plans condition is imposed for clarity. I have imposed conditions relating to materials and landscaping in the interests of the visual amenity of the area. I have imposed conditions relating to the provision of the access, visibility and parking in the interest of highway safety. A condition requiring the submission of a Construction Traffic Management Plan commensurate with the size of the development is also necessary in the interest of highway safety. Condition 8 ensures that provision is made for electric vehicle charging. I have also imposed a condition removing permitted development rights for development falling within Class A of Schedule 2, Part 1, of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) in order for the Council to retain control of further extensions in the interests of protecting the living conditions of the occupiers of neighbouring dwellings.

Conclusion

24. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

J Davis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 Rev A; 2554/02; 2554/03 Rev A; 2554/04 Rev B; 2554/05 Rev B; 2554/06 Rev B; 2554/07 Rev B, and TPP-CC/2061 Rev 0.
- 3) The development shall not be erected other than in the following materials combination of render and cedar boarding for the walls, sedum (green) roof and aluminium for the windows or such materials as have been approved in writing by the Borough Council.
- 4) The development hereby approved shall not be commenced until the proposed access details have been submitted to and approved in writing by the local Planning Authority and constructed in accordance with the agreed details prior to first occupation.
- 5) No part of the development shall be first occupied unless and until the proposed vehicular access to Leatherhead Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 6) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 7) No development shall commence until a Construction Transport Management Plan, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) measures to prevent the deposit of materials on the highway

- g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - h) on-site turning for construction vehicles or equivalent traffic management has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements – 7kw Mode 3 with Type 2 connector – 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (as amended – or any Order revoking or re-enacting that Order) no development falling within Part 1, Class A of Schedule 2 to the said Order shall be carried out within the curtilage of the dwellinghouse, unless planning permission is first granted by the Borough Council.
- 10) Prior to first occupation, written details and plans of the following landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. This scheme shall include:
- a) positions, height, species, design, materials and type of boundary treatments
 - b) hard surfacing materials
 - c) secure and covered cycle storage, and
 - d) refuse/recycling bin storage and collection.
- Development shall be carried out in accordance with the approved details and shall be maintained.

End of schedule of conditions