



---

# Appeal Decision

Site visit made on 7 April 2021

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 April 2021**

---

**Appeal Ref: APP/C3620/W/20/3261485**

**4 Woodlands Park, Boxhill, Tadworth KT20 7JL**

- 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 D Ingle against the decision of Mole Valley District Council.
  - The application Ref: MO/2020/0877/PLA dated 27 May 2020, was refused by notice dated 27 July 2020.
  - The development proposed is construction of new dwelling house.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are:
  - a) The effect of the proposal on the character and appearance of the local area;
  - b) Whether the proposal would offer a satisfactory living environment for future occupiers with particular regard to outlook, light and amenity space, and
  - c) The effect of the proposal on the living conditions of the neighbours of Wayside Cottage and 4 Woodlands Park with particular regard to outlook, light and overlooking.

## Reasons

### ***Issue a) Character and Appearance***

3. The appeal property is a detached bungalow with rooms in the roof within a small estate of houses and bungalows all dating from the same period and all on generous plots, particularly in terms of their width with attractive landscaping. Woodlands Park leads off Box Hill Road in the village of Boxhill and within an Area of Outstanding Natural Beauty (AONB). The proposal would divide the existing plot for the erection of a two bedroomed chalet bungalow towards the north west corner of the plot.
4. Boxhill is defined as a Small Rural Village within the Metropolitan Green Belt where Policy CS1 of the Core Strategy DPD 2009 (Core Strategy) states that development will be limited to infilling only on previously developed land and

Policy CS2 also refers to infilling within Boxhill. The supporting text to Policy CS2 defines 'infilling' as *the development of a small gap in an otherwise continuous built up frontage or the small scale redevelopment of existing properties within such a frontage*. I agree with the Council that the positioning of the proposed development to the rear corner of the existing site and its relationship with the adjoining properties would not fall within the Council's definition of 'infilling' and would not therefore accord with Policies CS1 and CS2 of the Core Strategy.

5. Notwithstanding my finding that the proposal would not fall to be considered as infilling, it is also necessary to consider the effect of the proposal on the character and appearance of the local area. The proposed dwelling would be set back away from the frontage towards the rear corner of the site. It would be provided with an irregular shaped plot which would appear less generous in size than the predominant size of plots in Woodlands Park and the proposed dwelling would appear significantly smaller than the surrounding properties. The proposed dwelling would have very narrow margins to the rear and side boundaries and would appear bulky and cramped within its plot. As a result of all of these factors, it would appear as an incongruous form of development, out of character with the predominant pattern of spacious and low density development within Woodlands Park. It would not therefore respect the character and appearance of the local area.
6. I therefore conclude that the proposal would harm the character and appearance of the local area. This would conflict with Policies CS13 and CS14 of the Core Strategy, Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (Local Plan) and the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other things seek a high quality of design which respects the local context.
7. The site lies within the AONB. However, given its siting within the existing village with built development adjoining on all sides, I do not consider that it would materially harm the landscape and scenic beauty of the AONB. However, this does not outweigh the harm I have already concluded to the character and appearance of the local area.
8. The Appellant has drawn my attention to a number of other developments which have been permitted over the last several years, which are not considered by the Appellant to fall tightly within the definition of infilling. However, no specific details have been included to enable me to consider these cases. Each proposal must be considered on its individual merits, and I have concluded that in the particular circumstances of this case, the proposed development would not accord with the Council's definition of infilling and furthermore, would harm the character and appearance of the local area.

#### **Issue b) Living Environment for Future Occupiers**

9. The proposed dwelling would be sited close to the rear and side boundaries of the proposed plot. The main amenity space for the new dwelling would be at its front and the main windows to habitable rooms would also face towards the front of the property. There are existing trees, protected by a Tree Preservation Order, in close proximity of the proposed new dwelling. Whilst I agree that with limited pruning and attention to the foundation details, the house could be erected without harm to the future health of the trees, I consider that the trees

when in full leaf would lead to issues of adverse impact on light as well as overshadowing to both the internal and external spaces.

10. I am therefore of the view that the siting of the proposed dwelling together with the impact of the existing protected trees would combine to have an adverse effect on the amenities of the future occupiers, including with regard to outlook, amenity space and light. This would conflict with Policy ENV22 of the Local Plan and paragraph 127 f) of the Framework all of which seek to ensure a high standard of living conditions for existing and future occupiers.
11. The Council's decision notice, in respect of Reason 2 also refers to Policy CS14 of the Core Strategy (Townscape, Urban Design and Historic Environment); I do not consider that this is directly relevant to my consideration of the living environment for future occupiers.

### ***Issue c) Living Environment of Neighbours***

12. To the rear of the proposed property, and as seen at my site visit, a new replacement dwelling is under construction on the site of Wayside Cottage, within close proximity of the proposed dwelling with windows facing towards the common boundary. There would be no windows proposed at ground floor level in the rear elevation of the proposed new dwelling on the appeal site, but three rooflights at first floor. I agree that with a proposed internal height of 1.5m for two of these rooflights, some overlooking would be possible which at such close proximity would be unacceptable and would harm the living conditions of the neighbours of the replacement dwelling at Wayside Cottage.
13. However, were no other issues of concern and planning permission were to be granted I consider that conditions could be imposed either to require the eill height to be increased or to require the roof lights to be in obscure glazing and non-openable as appropriate to the rooms they would be serving. Nonetheless and from the limited information before me I consider that the bulk and massing of the proposed dwelling in such close proximity to the dwelling under construction on the site of Wayside Cottage would have an unacceptable impact on the amenities of the neighbours, with particular regard to effect on light and outlook.
14. The donor property 4 Woodlands Park would have a reduced amenity area but I agree with the Council that it would still be acceptable in size and of a regular shape. However, given the proximity of the proposed dwelling to the existing host property and the arrangement of windows, I consider that there would be an unacceptable degree of overlooking of the house and amenity space of 4 Woodlands Park which would materially harm the living conditions of the residents of the donor property. The Appellant has suggested that the privacy of the donor property and the proposed property could be achieved through dense planting along the shared boundary but that would potentially exacerbate the harm I have already concluded under my second main issue, in terms of creating a satisfactory living environment for future occupiers of the new dwelling.
15. I therefore conclude that the proposed new dwelling would unacceptably harm the living conditions of the neighbours of the property under construction on the site of Wayside Cottage to the rear and to the neighbours of the donor property at No 4 Woodlands Park, including with regard to overlooking and loss of privacy, loss of outlook and light. This harm would conflict with Policy ENV22

of the Local Plan and paragraph 127 f) of the Framework, all of which seek to ensure a high standard of living conditions for existing and future occupiers.

### **Other Considerations**

16. There is brief reference that the house may be proposed for members of the same family as the Appellant; however, the proposal has been submitted for a new dwelling and must be assessed on that basis. Furthermore, the occupants of the proposed property could change over time.

### **Planning Balance and Conclusion**

17. The Appellant has referenced and the Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Consequently, Paragraph 11(d) of the Framework is engaged and the relevant development plan policies for housing are considered to be out-of-date.
18. Paragraph 59 of the Framework refers to the government's objective to boost significantly the supply of housing, and paragraph 68 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In this instance, the proposal would contribute one additional unit. When judged against some of the core planning principles the proposal would perform well in that there would be facilities within reasonable proximity. However, good design and creating a well designed built environment with a high standard of living conditions for existing and future occupiers are key aspects of sustainable development.
19. In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house.
20. However, the harm identified to the character and appearance of the area and to the living conditions of existing and future occupiers and neighbours would be significant and as a result the social and environmental roles of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.
21. I have found that the proposal would conflict with the development plan when taken as a whole. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
22. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR