
Appeal Decision

Site visit made on 29 June 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/C3620/W/20/3265801
19 Cressall Mead, Leatherhead KT22 7EA

- 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 Paulo Abreu De Jesus against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1580/PLA, dated 8 September 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the erection of a 1½ storey detached dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) whether it would create satisfactory living conditions for future and existing occupiers having particular regards to the provision and arrangement of outdoor space.

Reasons

Character and appearance

3. Cressall Mead is a residential street comprising semi-detached dwellings and apartment blocks dating from the latter part of the 20th Century. Most building blocks are two storey with elongated broadly rectangular footprints. They also tend to be set back from the road leaving an open and green aspect to the front. The hipped and catslide roofing is prevalent in both two storey dwellings and apartment blocks and is particularly distinctive. Together with the consistent palette of materials, this gives coherence and identity to the area. As such, it is a street exhibiting a homogenous style, which is identified as a key characteristic for some suburban housing in the central area of Leatherhead described in the Built Up Areas Character Appraisal for Leatherhead, Supplementary Planning Document, February 2010. Overall, the area has a pleasant, spacious, suburban character.
4. Although situated on a bend in the road, 19 Cressall Mead is a semi-detached two storey house that exhibits the characteristics outlined. The appeal site forms part of its garden and presently accommodates a modest flat roofed garage. The fencing of the side boundary adjacent to Cressall Mead is denoted by a timber domestic fence set back and softened by a grass verge in front.

The limited built form and fencing has a domestic appearance that is subordinate and respectful of the prevailing spacious qualities of the street scene.

5. The proposal would subdivide the grounds of No.19 and create a broadly wedge-shaped site upon which a detached two storey dwelling would be introduced. Whilst the building type proposed would use some design cues drawn from the nearby context, it would not successfully integrate with it for the following reasons. Firstly, the footprint of the proposed dwelling would be squarer than most of the housing in the road, which would be exacerbated further by its detached nature. This would result in a boxier building form markedly different from the distinctive wider principal elevations evident in the established buildings. In turn, the different proportions in the structure and lack of symmetry in the hipped roof would have a jarring effect.
6. Furthermore, the position of the principal elevation of the dwelling relative to the street would be closer than is generally otherwise the case and the relocated boundary fence closer to the road would reduce the grass verge. As a result, contrary to the appellant's assertion that the proposal would open the area, I find that the development would appear cramped. Moreover, given its location on a bend it would have considerable prominence in the street scene, especially upon entry into Cressall Mead from Copthorne Road. This would emphasise the differences in proportion and form outlined.
7. Taking these factors together, largely due to the physical constraints of the space available, the development would pay insufficient attention to important characteristics of the nearby established housing. Consequently, it would have a discordant effect, unsympathetic to the local character and appearance of the area. This would be contrary to paragraph 127 d) of the National Planning Policy Framework (the Framework) which states that planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
8. The appellant highlights a development similar to that proposed that was permitted at 48A Levett Road. Although few details of the circumstances of that development are provided, I was able to see the development at my site visit. It is located some distance to the south-east of the appeal site and would not be seen in contiguous views. Moreover, its location and context to the rear of apartment blocks means that it is inobtrusive in the street scene and much less conspicuous than the appeal proposal would be. Due to these significant differences it is of limited weight.
9. My attention is also drawn to a recent development permitted at 179 Kingston Road, which I also visited. This development is a considerable distance from the appeal site, in a context of a markedly different character. Furthermore, there are significant differences between the building type in that case and the dwelling before me. On that basis it is of little weight. In any event, I have determined the appeal on its own planning merits.
10. The area does not contain listed buildings, nor is it within a conservation area. Even so, it does not follow that it is devoid of character worthy of protection. The provision of adequate bin storage and parking would be required to make the proposal policy compliant. Therefore, these factors do not address nor outweigh the harm that I have identified.

11. Accordingly, I find that the proposal would have a harmful impact on the character and appearance of the area contrary to policy CS14 of the Mole Valley Core Strategy, October 2009 (CS) and policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan, October 2000 (LP). In combination, and amongst other matters, these policies require development to respect and enhance the character and setting of the area and avoid having a cramped appearance.

Living conditions

12. The proposal would reduce the available garden space to No.19 and would provide a tapering rear garden for the dwelling proposed. Nevertheless, sufficient usable space would remain within both rear gardens to reasonably allow for sitting out, drying of clothes, a range of gardening and some play activity. I have not seen any evidence of a development plan policy or adopted guidance that establishes a minimum size or other requirements for gardens. The information before me does not show that the proposed garden arrangement would fall below the requirement of paragraph 127 f) of the Framework to achieve a high standard of amenity for existing and future users.
13. The proposed dwelling would be orientated roughly at a right angle to No.19. The upper floor windows of No.19 would face towards the proposed rear garden. The information provided indicates that these windows would be approximately 10.5 metres from the boundary with the garden. Accordingly, the arrangement would allow for some overlooking to the garden area. Nevertheless, this would not be unusual for suburban areas and the separation distance maintained would prevent it from amounting to an imposing or intrusive relationship.
14. Furthermore, the area of the proposed rear garden most likely to be used for sitting out, would be adjacent to the folding doors shown for the living/dining area. This would be away from the boundary extending the separation distance further and hence, would not unreasonably inhibit the future occupant's enjoyment of their garden. It would achieve a satisfactory environment for occupiers of the new development, which is the threshold required by the general development criteria listed in policy ENV22 of the LP.
15. The Council raises concerns that the proximity of the proposed dwelling to the boundary with No.19 would, given its height, result in an overbearing impact to the occupiers of No.19. However, although close to the boundary, the proposed dwelling would be orientated relative to No.19 such that it would present its south-eastern corner at the closest point. Consequently, a good proportion of the shared boundary would not have built form in close proximity. In any event, the height of the proposed dwelling would be relatively modest and would be hipped away from No.19, thereby reducing its massing. In combination, these measures would prevent the occupiers of No.19 from being unreasonably confined or overpowered.
16. Therefore, overall, I find that the proposal would not result in unacceptable harm to the living conditions of existing or future residents having regard to the provision and arrangement of outdoor space. It follows that it would not conflict with the general development criteria in policy ENV22 of the LP which includes requirements that the design and layout of the development should not significantly harm the amenities of the occupiers of neighbouring properties

by reason of an overpowering effect, and should provide a satisfactory environment for occupiers of the new development.

Planning balance and conclusion

17. The Council is unable to demonstrate a five year supply of deliverable housing sites and the information provided refers to a 3.15 years¹ supply. In these circumstances footnote 7 of paragraph 11 of the Framework deems that the policies which are most important for determining the application are out-of-date. There is nothing otherwise before me to show that the Framework policies in footnote 6 provide a clear reason for refusing the proposal. Consequently, the presumption in favour of sustainable development in the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The proposal would provide an additional small house in an accessible location which would contribute towards the supply and mix of housing in an area where there is a sizeable unmet need. It would make more efficient use of the land, some of which is previously developed. In addition, it would bring economic benefits both during construction and in relation to the future economic of activity of the occupants. A single dwelling would make a limited contribution towards overall supply. Even so, cumulatively small schemes could amount to a valuable contribution, particularly given the extent of the shortfall in housing. Overall, I attribute moderate weight to the benefits of the proposal.
19. Nevertheless, the proposal would result in permanent harm to the character and appearance of the area. The Framework stipulates that good design is a key aspect of sustainable development² and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Therefore, the conflict with design policies referred to above in the CS and LP, which are consistent with the Framework in this regard, attracts significant weight. For these reasons, despite my finding that satisfactory living conditions would be provided by the development, there would nevertheless be harm arising from conflict with the policies of the development plan when taken as a whole.
20. I find that the adverse impacts of the proposal to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
21. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise³. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹ Council Planning Officer Report

² Paragraph 124 NPPF

³ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.