
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/21/3267001

Thanet, Linden Gardens, Leatherhead KT22 7HB

- 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 Thanet Properties Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1231/PLA, dated 17 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is the demolition of existing double garage and the erection of a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal provides a suitable level of off-street parking;
 - Whether the proposal would create a satisfactory living environment for future occupiers having regard to daylight and outlook, and;
 - Whether the proposal would provide a suitable housing mix.

Reasons

Character and appearance

3. The section of Linden Gardens nearest the appeal site has a pleasant leafy traditional residential suburban character due in part to the spacious arrangement of mostly detached houses set in generous grounds. The presence of detached or attached domestic garages between the dwellings assists the generous spacing of principal buildings but also reinforces the ordered layout. In addition, the Edwardian detailing evident in some housing in the street adds interest and enhances the aesthetic quality of the area. My observations are consistent with the findings of the Built Up Areas Character Appraisal for Leatherhead, Supplementary Planning Document, dated February 2010 (SPD). This refers to well built and well-maintained suburban housing as a key characteristic of the central Leatherhead character area.

4. Thanet was converted into flats some time ago but still retains the appearance and form of a large detached Edwardian house. The detached, single storey double garage that served the flats stands on the appeal site. Its modest scale, unassuming functional appearance and set back into the site to the side of the main building are commensurate with its ancillary role to Thanet. Hence, the configuration of Thanet and the double garage respects the pleasant suburban character of the street.
5. The proposal would remove the double garage and introduce a single storey one-bedroomed dwelling that the appellants describe as closely mimicking the existing garage building. They contend that on that basis the proposal would be in keeping with Linden Gardens as the view from the street would remain substantially unchanged. However, the design concept outlined would be problematic for the following reasons.
6. Firstly, the approach overlooks the importance of the use of the building to its overall character. The proposal would create a new dwelling separate from Thanet and so unlike the existing garage, would not be ancillary to it. The attempt to retain a functional appearance, subordinate position and form would be inauthentic in these circumstances and would create an inherent tension between the form and function of the building.
7. In addition, the proposal would not adhere to the building type, generous spacing nor ornamental detailing evident in the established principal elevations of other dwellings in the street. By mixing the established form and function of buildings, the proposal would result in a somewhat confusing addition that would diminish the strong character derived from the well built suburban housing in the street.
8. Furthermore, based on the submitted plans, the underlying design concept to mimic the existing garage would be unlikely to be well executed. By comparison to the existing garage, the proposed footprint would be considerably elongated. A notable section of the proposed dwelling would be higher than the existing garage structure and would be visible behind the front component of the building and consequently, would not faithfully replicate the proportions of the front elevation of the existing garage. Additionally, the principal elevation would include two large rendered panels with incised lines that in profile and material would be an unconvincing rendition of garage doors. These factors would signal that the building was not a subordinate outbuilding and moreover, as the street elevation¹ provided illustrates, would be visible from the road.
9. Taking these factors together, the proposal would not add to the overall quality of the area and would appear unsympathetic to the local character of the built environment contrary to the requirements of paragraph 127 of the National Planning Policy Framework (the Framework).
10. Accordingly, I find that the proposal would have a harmful effect 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 of the area, resist poor quality design and prevent

¹ Drawing No. 2036-NMA-00-ZZ-DR-AB-00020 Rev P2

development that would result in a cramped appearance having regard to the general space around buildings in the locality.

Parking provision

11. Policy MOV5 of the LP states that the County Council's current standards will be applied as maxima having regard to a number of factors, including the accessibility of the location to means of travel other than the private car. Surrey County Council's current standards are set out in the Vehicular and Cycle Parking Guidance, January 2018 (VCPG).
12. The proposal would displace the two parking spaces within the double garage for the existing three flats at Thanet which according to the Council, formed part of the proposal to subdivide the property into flats in the 1950's. They state these comprise two, two-bedroom flats and one bedroom flat and I have not seen evidence to suggest otherwise. Three off street spaces² are proposed to cater for the proposed one-bedroom dwelling as well as the existing flats.
13. Figure 1 of the VCPG recommends 1 space per 1-2 bed house or flat in town centre and edge of centre locations. Given the proximity of the appeal site to the centre of Leatherhead it would be reasonable to assess it as an edge of centre location. This is reinforced by its inclusion in the 'Central Leatherhead' character area of the SPD. On that basis, the recommended guidance would be for one parking space for the proposed dwelling.
14. However, the parties disagree as to how the guidance should take account of the provision for the existing flats. The Council considers that four parking spaces should be provided overall, whereas the appellant proposes just to make provision for the existing displaced spaces from the double garage, with an additional space for the proposed new dwelling.
15. Notwithstanding that car ownership levels have changed since the 1950's when the flats at Thanet were permitted, it is the additional parking demand generated by the proposed dwelling that should be subject to the current parking standards. So long as equivalent provision is made for the displaced two spaces serving the flats, it would be unreasonable in these circumstances to retrospectively apply current car parking standards to existing development. On that basis, the proposal would meet the recommended standard in the VCPG.
16. In any event, the standards for residential development are described as recommended guidance rather than a minimum standard in the VCPG. The VCPG explains that when responding to consultations on residential development, it is expected that Surrey County Council will only raise objections regarding parking if there is a shortfall that would lead to danger on the adjoining highway. I have seen no evidence that the Highway Authority have objected in this case.
17. Even if I were to accept the Council's interpretation that the recommended guidance suggests four spaces should be provided, the wording of policy MOV5 states that they will apply the standard as a maxima rather than a minimum requirement. In addition, future residents at the site would be reasonably close to the facilities in Leatherhead, as well as the rail and bus public transport

² Drawing no 2036-NMA-00-ZZ-DR-A-00100 Rev P2

serving the town. As such, occupants of Thanet and the future dwelling would have a genuine choice as to means of travel other than the car.

18. Representations received refer to existing on-street parking problems at Linden Gardens, that have on occasions caused difficulty for vehicular access. However, paragraph 109 of the Framework stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the modest nature of the proposal, there is little technical evidence before me to demonstrate that either of those scenarios would be brought about as a result of the level of parking proposed in this case.
19. Accordingly, I find that the proposal would provide a suitable level of off-street parking. As such, it would not conflict with policy MOV5 of the LP.

Living environment for future occupiers

20. The Council raises concerns that the provision of natural light within the proposed dwelling would be poor. The appellant has provided Average Daylight Factor calculations that show how the dwelling would perform having regard to the methodology in the British Standard BS 8206-2:2008 Lighting for Buildings – Part 2: Code of Practice for Daylighting and referenced with the Building Research Establishment's Guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' Second Edition 2011. These indicate that the proposed dwelling would exceed the minimum levels recommended.
21. Furthermore, the bedroom would be served by windows on two aspects, albeit that one would be high level. The main living area would be lit via large glazed sliding doors that face south east, as well as a south-west facing high level window. There is no substantive evidence provided that would undermine the findings of the calculations provided. Hence, based on the information before me, there is little basis to suppose that the proposed dwelling would have inadequate natural light such that the living conditions of future occupants would be unacceptably compromised.
22. In addition, the Council contend that there would be a poor outlook from the rear facing bedroom window as it would face onto a passageway between the rear section of the proposed dwelling and the side boundary. Policy ENV22 of the LP requires development to provide a satisfactory environment for occupiers of new development. Whilst it may not be ideal, it is not unusual for some of the windows in residential development to look onto rear yards or passageways. In this case, the passageway would be reasonably short, and the view would align with the mature tree on the rear boundary of Thanet. Furthermore, the development would provide an outlook onto a patio area and wider communal garden from the main living space. Therefore, overall, the dwelling would create a high standard of amenity for future users in accordance with paragraph 127f) of the Framework.
23. Accordingly, I find that the proposal would create a satisfactory living environment for future occupiers having regard to daylight and outlook. This would meet the threshold of a satisfactory environment stipulated in policy ENV22 of the LP necessary for occupiers of new development.

Housing mix

24. Policy CS3 of the CS refers to balancing housing provision and is strategic in nature. It states that housing proposals should take into account and reflect local housing needs in terms of the tenure, size and type of dwellings. Particular encouragement is given by the policy to the provision of two and three bedroom dwellings suitable for occupation for all sectors of the community including newly forming households, young couples and expanding families.
25. The proposal would provide a single one-bedroom dwelling, which in the context of mostly larger detached dwellings in Linden Gardens, would diversify the housing mix to an extent. Whilst this is not given specific encouragement by policy CS3, neither is it prohibited. Furthermore, the explanation³ for the policy refers to households within Mole Valley including single people, couples, families, young persons and the elderly whose housing needs are varied and generally range from 1-bed to 4-bed properties.
26. The ability to reflect a strategic housing mix within a single dwelling development is very limited. The Council's approach would effectively amount to a moratorium for single dwelling development unless it constituted a two or three-bedroom house. There is little basis in the wording of policy CS3 to support such a stringent approach, which is reinforced by some evidence that the Council has recently approved other small scale one-bedroom residential development⁴.
27. Accordingly, given the limited opportunities to provide a housing mix in this case, the proposal to provide a one-bedroom dwelling would not harmfully undermine the balance of housing provision sought by policy CS3 of the CS.

Planning balance and conclusion

28. The information before me indicates that the Council is only able to demonstrate 3.15 years of housing land supply⁵, which represents a sizeable shortfall. 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.
29. The proposal would provide an additional one-bedroom house towards the overall supply in an area where there is unmet need. In addition, it would make more efficient use of previously developed land and allow good access to a range of services and facilities in Leatherhead. There would be economic benefits associated with the construction as well as the activity of future occupants. However, the degree of benefit would be commensurate with the small scale of the development. Even so, given the size of the shortfall in housing provision, the benefits attract moderate weight overall.

³ Paragraph 6.1.21

⁴ Planning references MO/2020/1172PLA & MO/2019/2235

⁵ Council Delegated Report

30. I did not find harm would arise in relation to three of the main issues. Nevertheless, the absence of harm in those respects does not amount to a benefit of the proposal as they would be necessary to make the proposal policy compliant. As such, they are neutral factors in the overall balance.
31. However, I did identify harm would result to the character and appearance of the area and that it would conflict with the requirements of paragraph 127 of the Framework. The Framework further stipulates that good design is a key aspect of sustainable development and paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The conflict with the design policies in the CS and LP are consistent with the Framework in this regard and therefore, the conflict with the development plan taken as a whole attracts significant weight.
32. The adverse impacts of the proposal 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.
33. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. 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