



Appeal Decision

Site visit made on 21 December 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/C3620/W/21/3275483

69 Highlands Road, Leatherhead KT22 8NW

- 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 Stacey Sheldon (Sheldon, Wilcox, Highlands Ltd) against the decision of Mole Valley District Council.
 - The application Ref MO/2020/2339/PLA, dated 17 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is the erection of 5 No. dwellings with associated parking, one quadruple garage and one single detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and the appellant's appeal form describe the proposed development more accurately than the application form. Accordingly, I have used it in the heading to this appeal.
3. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of neighbours and future occupants of the development.

Reasons

Character and Appearance

5. The appeal site comprises the side and rear garden of 69 Highlands Road, a two storey detached dwelling. The site is outside of, but close to, a Residential Area of Special Character (RASC) which is to the west of the appeal site. On the northern side of Highlands Road, in the immediate vicinity of the appeal site, dwellings sit within well sized plots. Further along Highlands Road to the east, plots sizes become smaller and overall density appears to be higher.
6. There is a variety of styles of building close to the appeal site although most have either brick or render finishes and brown roof tiles. Houses are generally

¹ National Planning Policy Framework (2021)

set back from their site frontages and there is extensive tree and boundary planting. Although this part of Highlands Road itself is not overly wide, the area has a spacious and verdant character to which the appeal site contributes positively.

7. The appeal site has a wide frontage compared to most other dwellings in the immediate vicinity. However, the existing dwelling on the appeal site, which respects the general pattern of development in terms of its positioning within the site, is not particularly prominent within the street scene. The existing 3-bay garage building which sits forward of the dwelling is set perpendicular to the road and so similarly is not prominent within the street scene.
8. The proposed house at the front of the site (Plot 1) would replace the existing 3-bay garage building but would be set further back within the site. It would be broadly reflective of the orientation and positioning of neighbouring properties. However, to accommodate the access road to the houses to the rear, it would be a noticeably narrower plot than most others in the vicinity. Whilst the front part of the access would utilise an existing crossover and alignment, its continuation through the site and the positioning of the parking space for Plot 1 would dominate much of the site's frontage and only serve to reinforce this conflict with the prevailing street scene. Although other properties in this part of Highlands Road have areas of hardstanding and car parking to the front and/or side of the houses, it does not generally dominate the frontage in the way it would at the appeal site.
9. The access would serve a parking area positioned centrally within the rear of the site. This parking area would represent a further, large expanse of hardstanding, which would require Plots 2-5 to be positioned towards the rear of the site. The parking area and proposed garage buildings would also limit the size of rear garden to Plot 1 and curtail the resulting garden of the host property.
10. Consequently, the size of the plots and resultant garden area for each of the proposed dwellings and host property would be materially smaller than the plots and gardens of dwellings in the vicinity of the appeal site. It is acknowledged that the appeal site is wider than most others in the vicinity but, given the number of proposed dwellings and the site layout, it would appear as a cramped form of development, out of keeping with the character of the area.
11. For the reasons outlined above, I conclude that the proposal would be harmful to the character and appearance of the area. Consequently, it would conflict with Policy CS14 of the Core Strategy² and Policies ENV22, ENV23 and ENV24 of the Local Plan³ which, amongst other things, seek to ensure proposals do not have a cramped appearance and that they respect the characteristics of the area. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments are sympathetic to local character.

Living Conditions

12. The position of Plot 1 is such that it would be unlikely to harm the living conditions of existing neighbours. The neighbour at 65 Highlands Road would experience some overlooking of their rear garden from the upper floor windows

² Mole Valley Local Development Framework Core Strategy (2009)

³ Mole Valley Local Plan (2000)

- of this proposed dwelling but despite this, a reasonable level of privacy would be retained.
13. The size and scale of the four dwellings to the rear of the site means that they would be considerable structures. As a result, they would be substantially higher than the existing or proposed fencing as well as much of the planting along the boundaries with 65, 69 and 71 Highlands Road. Given their height, together with their positioning relatively close to these neighbours' boundaries, the proposed dwellings are likely to create additional overlooking of garden areas, particularly to the neighbours of 71 Highlands Road, given its orientation and position relative to Plot 5. Whilst some mutual overlooking could be expected in an area such as this, I find that the degree of overlooking that would result from the development would be greater than that which occurs generally in the area and that it would be harmful to these neighbours' living conditions.
 14. Furthermore, there would be new activity and an increased level of noise associated with these 4 and 5 bedroom dwellings. This will be accompanied by associated effects such as vehicle movements and engine noise, light spillage from cars and houses. This will all be taking place in close proximity to the rear gardens of 65, 69 and 71 Highlands Road.
 15. Whilst a reasonable distance would be maintained between the side elevation of 69 Highlands Road and the new access, the access borders the entire length of the property's side boundary. As a consequence of the scale of development, car parking spaces would need to be positioned along the property's rear boundary and along part of its side boundary. Taken together, these aspects create a significantly more enclosed setting for this neighbour.
 16. Cumulatively these factors would result in a significantly diminished living environment for the occupants of neighbouring properties and 69 and 71 Highlands Road in particular. Therefore, I am satisfied that the overall effect of the proposed development would be harmful to the living conditions of these neighbouring occupants.
 17. The proposed parking/turning area would be positioned to the front of Plots 2-5. Whilst this may cause some disturbance to future occupiers of these properties, they would, unlike the existing neighbours, benefit from rear gardens positioned away from this area. Whilst there would be a degree of mutual overlooking of rear gardens amongst these new dwellings, it would not be to the extent that existing neighbours would experience as a result of the development.
 18. The absence of any meaningful front garden area to Plot 1 would put greater onus on its rear garden. As is the case with 69 Highlands Road, the rear garden to Plot 1 would be bound on one side by the access. The 4-bay garage building would be positioned to the rear boundary. Whilst this may compromise some enjoyment of the garden, unlike 69 Highlands Road it would not be as overlooked, and any car parking would be positioned further away and so would be less intrusive.
 19. Whilst I have not found that the proposal would be likely to cause harm to the living conditions of future occupiers, the proposed development would be harmful to the living conditions of existing neighbours. Accordingly, the proposal would be contrary to Policy ENV22 of the Local Plan which, amongst

other things, seeks to protect neighbours' living conditions. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments provide a high standard of amenity for existing occupiers.

Other Matters

20. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.
21. The appellants note that the site is in a location with reasonable access to local services. Furthermore, it is pointed out that the site is not within a protected area, such as a Conservation Area or Residential Area of Special Character, and that the scheme has been designed to local guidelines in order to retain trees and the spacious character and so compliment the street scene. Other nearby examples of infill and backland development were highlighted and I saw some of them during the course of my site visit.
22. I acknowledge that the Framework encourages the efficient use of land and increased densities. However, such development must still respect, and have regard to, the prevailing pattern and qualities of the area, in order to ensure such changes are not harmful. In this instance, it appears to me that the scheme does not pay sufficient regard to the prevailing character and appearance of the area. As a result, I have found the proposed development would appear cramped and harmful to the character of the area and living conditions of neighbours.

Planning Balance and Conclusion

23. The Council acknowledges that it cannot demonstrate a 5 year supply of deliverable housing sites. Accordingly, I must have regard to paragraph 11 of the Framework, which indicates that in such circumstances the most important policies for determining the application are out of date and that permission may be granted.
24. The Government's objective is to significantly boost the supply of housing and the proposal would provide five modern homes in a location with adequate access to services. The proposal would also accord with the Framework's support for windfall sites. Given the scale of the proposal, the provision of these additional houses would attract moderate weight. The scheme would also lead to some, albeit time-limited, economic benefit during the construction phase, which may give rise to extra local employment.
25. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area and on neighbours' living conditions. The need to protect the character and appearance of the area and the living conditions of its residents are perennial and in direct compliance with the Framework. Thus, the harms I have found would lead to conflict with Paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character and that it provides a high standard of amenity. As these harms would be long lasting and unlikely to diminish over time they are, as a consequence, worthy of

substantial weight that would outweigh the benefits associated with the proposed development.

26. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR