



Appeal Decisions

Site visit made on 14 February 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2022

Appeal A Ref: APP/C3620/W/21/3279727

283 Kingston Road, Leatherhead KT22 7PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr M Dalton against Mole Valley District Council.
 - The application Ref MO/2021/0594, is dated 19 March 2021.
 - The development proposed is first floor extension and alterations to existing double garage to create one bedroom flat.
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Appeal B Ref: APP/C3620/W/21/3284231

283 Kingston Road, Leatherhead KT22 7PJ

- 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 M Dalton against the decision of Mole Valley District Council.
 - The application Ref MO/2021/1242/PLA, dated 1 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed is first floor extension and alterations to existing double garage to create one bedroom flat.
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Decisions

1. Appeal A is dismissed and planning permission for first floor extension and alterations to existing double garage to create one bedroom flat is refused.
2. Appeal B is dismissed.

Main Issues

3. Appeal A is against the failure to give notice of a decision within prescribed timescales. However, in its evidence the Council states that, had it been in a position to determine the application it would have refused planning permission. Its main concerns are harm to the character and appearance of the area due to the dominant and bulky nature of the extension, and the unacceptable effect on outlook, overshadowing and sense of enclosure to neighbours.
4. Consequently, the main issues for both Appeal A and B are the effect of the proposed development on the character and appearance of the area and on the living conditions of existing occupiers with particular regard to 283 and 285 Kingston Road.

Reasons

Character and Appearance

Appeals A and B

5. 283 Kingston Road is a modest, two storey house at the end of a short terrace. It has a single storey double garage to the rear which has its access onto Oak Road. Even taking into account its position set forward on Oak Road the garage is clearly a secondary outbuilding, subservient to 283 Kingston Road.
6. Oak Road comprises small pockets of shared character. These varied clusters are a positive feature of the road. They include, in the southernmost part, an area of residential character with modest dwellings. On the north-western side is a commercial character with large warehouse-type units and hardstanding. To the north-eastern part, which includes the appeal site, the character is of gardens, outbuildings and rear elevations which are evidently secondary to the host properties along Kingston Road. This area is clearly separate from the main elevations to the two to three storey Castlebank House which is adjacent. There is an application to increase the height of this building¹, however I have no evidence as to this decision and, in any case, the scheme did not appear to have been implemented. Therefore, I have assessed these proposals on the basis of the existing context.
7. Due to its size, nature and modest functional appearance the garage to 283 Kingston Road clearly complements the area of ancillary character. Whilst its detailing is of little architectural merit, it nevertheless makes a positive contribution to the character and appearance of the area in these regards.

Appeal A

8. The extension proposed in Appeal A would appear as a roof addition. Nevertheless, the steep slope to the mansard and the existence of large domestic windows would create an unacceptably bulky and prominent building in this context.

Appeal B

9. The development proposed in Appeal B would build up the existing walls with a hipped pitched roof above. This would result in an even more significant increase to the height, bulk and dominance introduced to this secondary location.

Appeals A and B

10. The resultant large and bulky structures, combined with the separate residential use, would result in buildings that are no longer ancillary to the host dwelling. They would therefore be harmfully dominant in relation to both the existing property and the distinctive ancillary character of its surroundings.
11. I have considered the development adjacent to 5 Oak Road², however this sits within and broadly aligns with a row of main residential frontages. Therefore, although it is close to the site, the context to that building is notably different to the appeal site.

¹ MO/2021/1040

² Mo/2019/2235

12. The Design Guidance for House Extensions provides further detail as to how to achieve good design for house extensions, including that development should respect the character of the property and locality. For the reasons explained above, the proposed developments would be contrary to this guidance. Whilst the document was adopted in October 2000 its advice is broadly in accordance with the requirement to achieve well designed places set out at Policy CS14 of the Mole Valley Local Development Framework Core Strategy October 2009 (CS), Policies ENV22, ENV23 and ENV32 of the Mole Valley Local Plan October 2000 (LP), and the National Planning Policy Framework (July 2021) (the Framework).
13. Therefore, both Appeal A and Appeal B would have a harmful effect on the character and appearance of the area. Consequently, in this respect, they would be contrary to Policy CS14 of the CS and Policies ENV22, ENV23 and ENV32 of the LP. Together these require that new development respects the character and appearance of the area, is appropriate to the site and its setting and that house extensions should not be unduly prominent and retain the character of the existing property, amongst other things.

Living Conditions

Appeals A and B

14. The main outlook from the rear windows at the host property is across the rear garden. The first floor windows currently benefit from a relatively open aspect, albeit views from ground floor rooms are somewhat limited by the garage. The main outlook from the rear of no. 285 is across its garden, which is mainly open.
15. The proposed developments would introduce prominent and substantial structures directly in front of and in close proximity to the first floor windows at no. 283. The outlook from the rear windows would be towards this rear elevation. Consequently, the proposed development would significantly and harmfully reduce the outlook to this property and for the same reasons would result in a harmful sense of enclosure.
16. From no. 285 the proposed developments would be apparent only in peripheral views. They would result in a higher boundary along the garden, however this would be to the part furthest from the house. Consequently, they would not constitute an unacceptable effect on outlook or sense of enclosure.
17. I have taken into account the location and scale of the proposed developments, and I am not presented with detailed evidence that persuades me that the additional storey proposed would result in a loss of light to gardens or habitable rooms which would be unacceptably harmful to the living conditions of existing occupiers.
18. The mansard roof proposed in Appeal A would limit the bulk of the structure at first floor compared to the larger scheme proposed in Appeal B. Nevertheless, in both cases, the extension would be a substantial addition, and the harms identified above would be experienced in both cases.
19. Consequently, both Appeal A and Appeal B would have a harmful effect on the living conditions of neighbouring occupiers with particular regard to outlook and sense of enclosure. As such, in this regard, it would be contrary to policies ENV22 and EN32 of the LP. Together these require that new development

should not significantly harm the amenities of existing occupiers, nor be unduly prominent from neighbouring properties.

Planning Balance

20. The Council cannot demonstrate a 5 year supply of deliverable housing sites and in its appeal statement it states that it currently has a 2.9 year supply. Consequently Paragraph 11 d) of the Framework is engaged.
21. The proposed developments would result in the social and economic benefits associated with the provision of one dwelling in an accessible location, including economic benefits during construction and as a result of expenditure from future occupiers. The resultant dwelling would contribute to the government's target to significantly boost the supply of homes and this is a small site which, it is put to me, could be built out quickly. However, given the scale of the proposed developments, the benefits in these regards are limited.
22. On the other hand, for both schemes, the developments would not be sympathetic to local character nor result in a well designed place. Furthermore, the Framework requires a high standard of amenity for existing users, and these schemes would not provide this due to the harm to outlook and sense of enclosure. As such there are multiple factors that, overall, would result in notable harm.
23. Consequently, even taking into account the considerable shortfall of deliverable housing sites, the adverse impacts of either scheme would significantly and demonstrably outweigh the limited benefits of the proposed developments. Therefore, the presumption in favour of sustainable development does not apply to either of the appeal schemes.

Conclusion

24. Both appeals would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeals should be determined otherwise. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

H Miles

INSPECTOR