
Appeal Decision

Site visit made on 22 June 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/C3620/W/21/3284413

35/35A Bridge Street, Leatherhead, Surrey KT22 8BN

- 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 Koniko Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2020/2180/PLA, dated 26 November 2020, was refused by notice dated 29 April 2021.
 - The development comprises removal of topsoil and restoration of ground levels at southern end of site together with the erection of 5 No. dwellings following demolition of the existing building detached storage/office building.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Koniko Limited against Mole Valley District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner heading above was agreed by the main parties prior to the Council's decision. The main parties also agree that the topsoil referred to therein has been removed and ground levels restored. I have considered the appeal on this basis.
4. Since the appeal was lodged the Council has granted planning permission¹ for similar development on the appeal site. I have had regard to this in reaching my decision.
5. A representative of the appellant provided access to the appeal site with consent via the side and rear of No 37 Bridge Street.

Main Issues

6. The main issues are the effect of the development on:
 - the living conditions of future occupiers, having particular regard to outlook and daylight; and
 - the character and appearance of the area, including the Leatherhead Conservation Area.

¹ MO/2021/1953/PLA

Reasons

Living conditions

7. The proposed detached, mainly two-storey terraced building would provide 3 flats and 2 houses on the appeal site, which slopes upwards behind the two-storey frontage buildings at Nos 35/35A Bridge Street. It would stretch across most of the width of the site, towards a terrace of houses extending in-depth from the rear of No 37 Bridge Street. The backs of these two-storey houses form a continuous, high brick and flint elevation that runs along the common boundary with the appeal site.
8. Both houses would have an open plan lounge, dining room and kitchen with a main aspect at the front. Albeit in a built-up town centre location, these houses would be on the lowest, narrowest part of the site with windows approximately 3m and 3.5m facing towards the backs of the houses behind No 37. This extremely limited separation distance would substantially foreshorten and significantly restrict the extent of views in any direction from that part of the ground floor rooms most likely to be used as a lounge. Moreover, these views would be dominated by a substantial, overbearing expanse of built form and be unduly oppressive. This would, therefore, seriously detract from the residential use and enjoyment of the houses.
9. Upward views through a rooflight, and from its position in the kitchen area at the rear, would not provide adequate mitigation or compensation for the nature of the view out of the front window. While planting in each front courtyard could have a moderating effect on the apparent expanse of facing elevation, it would not alleviate the abrupt, truncated nature of these views.
10. I did not have access to the residential buildings and sites on the north side of Bridge Street that I have been referred to. Nonetheless, from what I could see of that development it is materially different to the proposal in size, siting or relationship to adjoining buildings or uses. Some of the houses to the rear of No 37 have a close aspect to a building at No 39 Bridge Street. However, I do not know their internal layout and, despite my brief passing by it has not been demonstrated that this relationship is the same as at the appeal site or in relation to the appeal proposal having regard to siting, scale and massing of built form, levels and topography. Moreover, I do not know the full circumstances of those decisions, including whether, at the time, outlook was a relevant consideration in prior approval applications.
11. Accordingly, I accept that paragraph 130 f) of the National Planning Policy Framework (the Framework) — which seeks to ensure a high standard of amenity for future users — does not distinguish between proposals for conversion or change of use and new build. But be that as it may, the Council has granted prior approval or planning permission for the residential development that I have been referred to for the reasons that it did. In these circumstances forensic comparison is of little assistance to my decision.
12. The appellant's natural light report² takes into account the siting and extent of built form at No 37. All rooms in the proposed dwellings would receive an average daylight factor greater than the minimum recommended by

² Daylight, Sunlight and Overshadowing Assessment, 22 February 2021 - Elmstead Energy Assessments and Building Services

British Standard 8206-2:2008³. This would accord with relevant advice published by the Building Research Establishment⁴. The report has been prepared by a suitably qualified professional and there is no objective evidence to the contrary. I therefore have no reason to disagree and a satisfactory level of daylight would be achieved in the proposed dwellings.

13. Taking all of the above into account, I find that there would be unacceptable harm to the living conditions of the future occupiers of the proposed houses, having regard to outlook from ground floor habitable rooms. Consequently, the proposal would not comply with Policy ENV22 of the Mole Valley Local Plan 2000 (the LP). This policy includes that a satisfactory environment for the occupiers of new development should be provided.

Character and appearance

14. The appeal site is in the Leatherhead Conservation Area (the CA) and this part of the CA is in the 'Town Centre and Riverside Character Area'⁵. Its significance includes narrow streets and groups of historic and modern buildings generally two or three stories high and close together or abutting each other. Some of the buildings fronting onto Bridge Street have developed spaces (for example car parks) or undeveloped open spaces behind, while others have original or more recent infilling of buildings in-depth, such as the existing building on the appeal site or the houses behind No 37. This pattern and impression of built form is locally distinctive.
15. The rendered masonry elevations and pitched corrugated metal roof of the existing single-storey building on the site are in poor condition. It is innately of little quality or interest, other than in form, siting and layout. The proposed building would be wider and taller than the existing building and continue further in-depth behind Nos 35/35A. However, the former would broadly reflect the position and narrow, long rectilinear floorplan of the latter. Moreover, the site is wider than the plot at No 37 and does not taper but broadens out slightly. As a result, while the proposed building would be larger in overall form than the existing building or the terrace of houses to the rear of No 37, it would be assimilated into this more spacious plot, with sufficient separation to boundaries, spaces and other built form.
16. The proposed building would not, therefore, appear cramped in relation to the existing development at Nos 35/35A or No 37 or result in an overdevelopment of the site. It would reinforce the pattern, arrangement and layout of built form on the site and at No 37.
17. I saw that only a small end part of the proposed building would be glimpsed in a public view from Bridge Street, through the narrow gap between No 33 and Nos 35/35A. While this part of the building would have more scale and massing than the existing building it would not, therefore, be overly prominent or conspicuous. I have not been referred to any other public view.
18. Considering all of the above, I find that the proposal would not cause harm to the character and appearance of the area and would have a positive effect on the CA. There would be no harm to, or loss of, the significance of this designated heritage asset. The proposal would, therefore, preserve and

³ Lighting for Buildings – Part 2: Code of Practice for Daylighting

⁴ Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice

⁵ Council's 'Built Up Areas Character Appraisal Leatherhead 2010'

enhance the character and appearance of this part of the CA, and thus the CA overall⁶. Consequently, it would accord with LP Policy ENV22 which includes that development should be appropriate to a site and the locality in terms of its scale, form and appearance and have regard to attractive features such as buildings that contribute to the character of the area.

Other Matters

Listed building

19. The appeal site is next to No 33 Bridge Street which is an early 19th century, three-storey Grade II listed building (the LB). The significance of the LB is also informed by its siting facing Bridge Street and, in the front part of the building, painted render walls, hipped, slate covered roof and Gothic style, painted timber windows. The proposed building would be in the setting of the LB but at the rear, close to a large, modern two-storey flat roof rear extension and a surface car park. The extension largely obscures the front part of the LB and this extended part has little intrinsic significance. Albeit larger than the existing building on the site, the proposed building would not be observed in any meaningful way in the context of the front of the LB or unduly erode the extent of spaciousness to the rear of the LB.
20. Consequently, there would be no harm to, or loss of, the significance of this designated heritage asset. The proposal would, therefore, preserve the LB, its features of special architectural and historic interest and its setting⁷.

Engagement

21. I appreciate that the appellant has sought to develop the appeal site for a number of years and the proposal is an amended scheme, including further to pre-application discussions with Council officers. I have, though, considered the appeal on its individual planning merits.

Planning Balance

22. The Council considers that it has a 2.9 year supply of housing land and this is not disputed by the appellant. It cannot, therefore, demonstrate a five year housing land supply. As a consequence, and by virtue of footnote 8, paragraph 11 d) of the Framework is engaged.
23. In terms of benefits, the provision of five dwellings on a sustainably located site would make a modest contribution to housing supply. This would be consistent with objectives of the Framework to significantly boost the supply of homes. The social, economic and environmental benefits associated with building and occupying the dwellings are factors which therefore carry notable weight in favour of the development.
24. Paragraph 197 of the Framework sets out that decisions should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The proposal would preserve and enhance the CA and preserve the LB and its setting and are benefits in support of the development. Paragraph 199 of the Framework requires that I give great weight to the conservation of these designated heritage assets.

⁶ Section 72(1) - Planning (Listed Building and Conservation Areas) Act 1990

⁷ Section 66(1) - Planning (Listed Building and Conservation Areas) Act 1990

25. The proposed dwellings would provide sufficient internal floorspace and be satisfactory in external materials. The development would not adversely affect the living conditions of existing occupiers of adjoining or nearby property and there would be a suitable means of access. The absence of harm, and compliance with the Council's development plan or the Framework in these regards, are therefore neutral factors in my decision.
26. However, while the Framework recognises that substantial weight should be given to using suitable previously-developed brownfield land within settlements for homes (especially in town centres), that small windfall sites or under-utilised land can help to meet identified needs for housing and that available sites could be used more efficiently and effectively, it also seeks to achieve well-designed, better places to live. In this respect, development should function well and promote well-being, with a high standard of amenity for future users.
27. Albeit in part, the proposal would nevertheless not meet the reasonable expectations for satisfactory living conditions of a significant proportion of future occupiers. These circumstances would endure over the lifetime of the development. It would conflict with the Council's relevant development plan policy, which though adopted some time ago is consistent with aims of the Framework to balance meeting housing needs with this social objective of sustainable development. Consequently, I consider it to be an important factor against the proposal and, accordingly, give it substantial weight in my decision.
28. Notwithstanding that the benefits would be aligned with the Framework, and the extent of shortfall in the Council's five year housing land supply, the adverse impacts of the development would, therefore, significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.

Conclusion

29. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
30. Consequently, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR