



Appeal Decision

Site visit made on 13 September 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 OCTOBER 2022

Appeal Ref: APP/C3620/W/22/3295878

1 Cobham Road, Fetcham KT22 9AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to outline grant planning permission.
 - The appeal is made by Mr Paul Treadaway of Trafalgar Retirement Plus Ltd. against the decision of the Council for Mole Valley District.
 - The application Ref MO/2021/0245/OUT, dated 11 February 2021, was refused by notice dated 14 January 2022.
 - The development proposed is described as "demolition of the existing dwelling and erection of a 2-storey building with accommodation within the roof space containing 8 x 2-bedroom apartments with vehicular access from Cobham Road."
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of a 2 storey building with accommodation within the roof space containing 8 x 2 bedroom apartments with vehicular access from Cobham Road at 1 Cobham Road, Fetcham KT22 9AU in accordance with the terms of the application, Ref MO/2021/0245/OUT, dated 11 February 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought for access, appearance, and layout to be considered at this stage with landscape and scale as reserved matters. I have determined the appeal on this basis.
3. The appellant has submitted additional drawings CBH/2/111 and CBH/3/100 Rev B during the appeal. Whilst the appeal process should not be used to evolve a scheme, the drawing CBH/2/111 provides the appearance of the scheme, to be considered as part of this appeal. The appellant states that it was erroneously omitted from the original application. Nevertheless, the Council has viewed and commented on the appearance as the drawing was embedded as an image within the Design and Access Statement. Given the appearance is not in dispute, I am satisfied that drawing CBH/2/111 constitutes a very minor amendment that would not prejudice any party. For the avoidance of doubt, I have determined the appeal based on these plans.
4. The amended drawing CBH/3/100 Rev B provides a revised forecourt layout and incorporates a new refuse/recycling store that would meet the required waste capacity standards. The Council has confirmed that the additional drawing overcomes the second reason for refusal. Nevertheless, interested parties have raised concerns over the refuse collections, however these are to remain unchanged and undertaken from the carriageway, rather than accessing

the site. I have had regard to the 'Wheatcroft Principles' and in reaching a judgement I am satisfied that the amended drawings constitute minor amendments that would not prejudice any party. Therefore, I have confined my assessment of this appeal scheme to the remaining reason for refusal.

Main Issue

5. The main issue is the effect of the proposed development on highway safety.

Reasons

6. The appeal site is located on the southern side of Cobham Road close to the junction with Guildford Road in Fetcham, Leatherhead. The surrounding area is residential with mainly detached and semi-detached houses and is located opposite a large open space, providing a suburban, almost rural feel. There is an existing access from the appeal site onto Cobham Road which is shared with Nos 3 and 5.
7. Policies ENV22 and MOV2 of the Mole Valley Local Plan, adopted October 2000 (MVLPL) among other things, require development to be compatible with the transport infrastructure and contains a presumption against new accesses onto principal transport routes. Furthermore, the policy requires suitable parking and servicing within the site, alongside improvements to provide safe access and egress to developments.
8. From my site visit observations, there was a regular flow of traffic in both directions along Cobham Road. Parking is restricted through double yellow lines on both sides of the carriageway, with all properties in the vicinity providing off-street parking facilities. It is not in dispute that the appeal proposal would increase the number of occupants at the site, and thus would have a higher frequency of vehicle movements than a single-family dwelling. However, given the existing lack of on-street car parking, coupled with the proposed level of off-street car parking provision at the development, this would maintain the efficient operation of the highway network in the vicinity of the appeal site.
9. The Council and Highways Authority were concerned with the adequacy and location of the proposed access causing a danger and inconvenience to other highway users, as the access is too narrow to accommodate two-way vehicle movements and unable to accommodate increase in traffic arising from the development. The evidence before me highlights that the existing access would be widened to 5.5m to accommodate adequate space for two cars to pass should the situation arise, as shown in the submitted swept path drawings. The swept path tracks also highlight two cars could pass within the car park and could also turn on site allowing for access and egress in forward gear, and further indicate a delivery van could also enter, turn, and leave forwards.
10. Furthermore, visibility emerging from the site would be aided as the shared accessway has no boundary wall adjoining the footpath, which is an arrangement to be maintained as part of the proposal. A condition requiring the provision and maintenance of visibility splays at the access could also be attached if planning permission were granted. From the evidence before me the submitted plans demonstrate that the required visibility can be achieved in accordance with Manual for Streets (MfS) guidance. Therefore, I find no harm in relation to visibility for the vehicle access.

11. Interested parties have drawn my attention to accident records referring to the area as an accident black spot. The evidence before me highlights that whilst accidents have been recorded outside the appeal site, this has not been designated as an accident black spot. This is also only one measure, and in the absence of any evidence to the contrary, there is little indication of any undue risk to personal highway safety on this part of Cobham Road as a result of the proposal. Furthermore, there is little convincing evidence that the development proposed would give rise to any material harm to the safety of pedestrians, cyclists or drivers using Cobham Road or surrounding highways.
12. Several other matters have also been raised by interested parties and I have taken them all into account. These include matters such as parking provision, over reliance on TRICS data, impact on underground services and refuse collections. However, whilst I take these representations on board, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters, and do not lead me to a different overall conclusion.
13. Consequently, I find the proposal would not have an unacceptable effect on highway safety and I have identified no conflict with MVLP Policies ENV22 and MOV2 or objective 3 of the Surrey Transport Plan 2011 – 2026, which amongst other things, seek to improve road safety and ensure that developments are satisfactorily integrated with the transport network. It would also accord with Paragraph 111 of the National Planning Policy Framework 2021 in that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

14. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity, or clarity.
15. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. It is necessary to require compliance with the submitted plans, but only in relation to access, appearance and layout as these are not reserved matters. I have also attached a condition requiring the details of materials in the interests of a good quality appearance to the development, and a condition securing obscured glazing on flank elevations to protect living conditions of neighbouring properties, from the proposed development, in terms of privacy. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for visibility splays, layout, and off-street parking to be maintained, and I have also imposed a condition for a Construction Method Statement which is necessary to submit prior to the approved development commencing. I have also added that electric charging points are delivered to enable the use of electric vehicles to achieve sustainability objectives.
16. I have not imposed a condition relating to any additional windows as these would require planning permission in their own right and a planning condition would be unnecessary. Nor have I imposed a condition requesting details of surface water drainage and renewable energy as it has not been explained by

the Council that other existing regulations and controls do not satisfactorily deal with these matters. As such, those suggested conditions are unnecessary.

Conclusion

17. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CBH/3/001, CBH/120, CBH/2/101, CBH/2/111, CBH/2/110, CBH/3/100 Rev B and CBH/3/200
- 5) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 6) The development hereby permitted shall not be occupied until all the upper floor flank windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 7) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. CBH/3/100 Rev B for eight cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) The development hereby permitted shall not be occupied until details of the junction between the proposed service road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 9) No structure or erection exceeding 1.05m in height shall be placed within 43m to the west or east of a sight line from the centre of the access as shown on drawing no. CBH/3/200.
- 10) No new shrubs, trees or other vegetation shall be allowed to grow above 1.05m metres in height within the sight lines referred to in condition 9 above.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall

be adhered to throughout the construction period. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

- 12) The development hereby approved shall not be occupied unless and until at least 2 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently retained as such.