



Appeal Decision

Site visit made on 9 January 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23/01/2023

Appeal Ref: APP/C3620/W/22/3299552

31 Ralliwood Road, Ashted KT21 1DD

- 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 Alex Terry against the decision of Mole Valley District Council.
 - The application Ref MO/2021/2032/PLA, dated 29 October 2021, was refused by notice dated 20 April 2022.
 - The development proposed is described as the full demolition of existing house and replacement with a two storey new build across three site levels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area including the adjoining Green Belt; and
 - The living conditions of the neighbouring occupants with particular reference to outlook.

Reasons

Character and Appearance

3. Consistent with the Council's Built up Areas Character Appraisal for South Ashted 2010 (the CA), the immediate area comprises detached dwellings which sit in generously sized plots. This creates a local character where buildings are typically well related to their gardens and boundaries.
4. 31 Ralliwood Road is set further back than the neighbouring dwellings and sits within an irregular shape plot. The appeal site also sits in an elevated position as existing ground levels rise from Ralliwood Road.
5. The proposed development would broadly occupy a wider and deeper footprint than the existing buildings. While single storey and flat roofed in parts, the proposed 'living wing' and 'snug' would span significantly into the rear garden. This significant projection and spread of development across the site would appear cramped and not respond to the pattern, character or appearance of the immediate area.
6. Given the higher land levels of the site and the immediacy of the Green Belt in relation to the proposed development, the appeal site reads as a transitional

site from the urban area into the Green Belt. Although single storey in part, the amount and spread of development would also be visually harmful when perceived from the adjoining Green Belt.

7. The proposed 'living wing' and 'snug' would not be overtly visible from Ralliwood Road. Nonetheless, the harmful effects of the development would be visible from the adjoining land to the sides and rear. I acknowledge that some of these views would be glimpsed and distant from public vantage points, however, it has not been clearly shown that local and national planning policy requires good design to be only visible from within the public realm.
8. While I note the appellant's site comparisons document, any numerical test must be balanced with the physical appearance and layout of the development. The examples of development provided nearby, by the appellant, are more proportional and balanced within their building footprints and their garden areas. The proposed "living wing" and 'snug' would be different as they would unsympathetically project off the 'main house' and would occupy a large footprint near to the appeal site boundaries. These factors in combination with the proposed development generate unacceptable harm.
9. Additionally, examples of larger extended buildings further away have also been provided within the site comparisons document. However, these are in neighbouring roads with a differing character some distance from the appeal site. Each case must be considered on its own merits. Overall, I am not persuaded that the presence of larger dwellings elsewhere justifies the proposal before me.
10. Landscaping has been suggested to screen the development, however, even if this was evergreen, it would take time to establish and there is no mechanism before me to protect landscaping in perpetuity.
11. As a result, the development would cause unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policy CS14 of the Mole Valley Core Strategy 2009, Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 (the Local Plan), Policies AS-H5 and AS-En3 of the Ashted Neighbourhood Development Plan 2016 and the National Planning Policy Framework. All of which seek, amongst other things, to ensure that development is sympathetic to the character and appearance of the area.

Living Conditions

12. The closest sections of the proposed development to 29 Ralliwood Road would be single storey with flat roofed sections, and the 'living wing' would be set further away from the shared boundary than the proposed 'garage'.
13. However, the appeal site sits on slightly higher ground and the 'garage', 'living wing' and 'snug', would be sited close to the shared boundary. When experienced as a whole, the development would project a considerable distance beyond the rear wall of No 29 dominating views from this neighbouring dwelling. This would create an overbearing impact and sense of enclosure unacceptably harmful to the outlook enjoyed from the rear windows and garden area of the occupants of No. 29.
14. While a '15 metre 90-degree arc' has been plotted on the drawings, I have not been provided with evidence as to what policy or guidelines this arc has been

extracted from. As set out above, I have considered the appeal proposed in light of its own specific circumstances and context and as such this does not alter my findings on this main issue.

15. Although landscaping does exist on the shared boundary, I noted during my site visit that a considerable portion of this comprised deciduous landscaping. Even if evergreen planting supplemented the shared boundary, this would take time to establish and there is no mechanism before me to protect landscaping in perpetuity.
16. 30 and 32 Oaken Coppice would be sited a reasonable distance from the development to ensure these occupiers retained an acceptable outlook. However, this is a neutral matter which neither weighs for or against the proposed development.
17. The proposed development would consequently have a harmful effect on the living conditions of the occupants at No. 29 with particular reference to outlook. The proposal would therefore be contrary to the relevant provisions of Policy ENV22 of the Local Plan. These policies, amongst other things, address the need for high quality design therefore respecting the living conditions of neighbouring occupiers.

Other Matters

18. The appellant suggests that outbuildings could be erected as a fallback position under permitted development. In the appellant's opinion, these would have a similar to greater impact on both the character of the area, and the living conditions of No 22, when compared to the proposed development. The appellant has, however, not robustly shown that PD rights exist at the appeal site or what may be possible under such rights. I cannot therefore conclude that there is a real prospect that such development might take place.
19. Even if these rights did exist, outbuildings would be ancillary structures detached from the main dwelling and separated from each other. Internal circulation of outbuildings would also not function in the same way as the proposed development. I therefore ascribe the fallback position minor weight, which would not outweigh the harm set out above.
20. The appellant also explains that the proposed development would satisfy and exceed current building regulations, delivering an improvement in terms of environmental credentials. However, there is no clear substantive evidence before me as to what extent this would be achieved. This, therefore, does not outweigh my findings above.
21. I have also considered the various other concerns raised by interested parties, however, none of the other matters raised outweigh or alter my conclusion on the main issues. As I am dismissing the appeal, I have not pursued these matters further.

Conclusion

22. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR