



Appeal Decision

Site visit made on 13 December 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27/01/2023

Appeal Ref: APP/C3620/W/22/3298872

Norbury View, Leatherhead Road, Bookham, Surrey KT23 4RR

- 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 Maddox Homes Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2021/2180/PLA, dated 19 November 2021, was refused by notice dated 4 April 2022.
 - The development proposed is residential development of 8no. dwellings and associated access and landscaping, following demolition of existing dwelling (Norbury View) and associated structures.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of neighbouring occupiers; and c) the demand for car parking.

Reasons

Character and Appearance

3. The site address is given as Norbert View, a detached two storey dwelling on Leatherhead Road. However, in addition to this property, the appeal site also includes parts of the rear gardens of Nos. 25 and 23 Browning Road. Together they combine to form an L-shaped site within a residential area of Bookham.
4. Properties on Leatherhead Road and Browning Road are generally detached and are set back within their plots, with Browning Road also having wide grass verges and street trees. On Leatherhead Road, in the vicinity of the site there is built form on only one side of the road. Together with the boundary planting that is evident in the vicinity, these factors all combine to give the area a spacious and verdant character to which the appeal site positively contributes.
5. Within the area there is no clearly identifiable building design approach, with dwellings on Leatherhead Road being different. Dwellings to the rear and adjacent to the appeal site are more estate in their design and layout, therefore have some similar features. Notwithstanding this, overall, the surrounding character is one of a mixed and varied design and layout.
6. The number of similar garden developments in the vicinity of the appeal site points towards an increase in housing density in the area. Whilst this is

manifesting itself through some new semi-detached dwellings and smaller plot sizes, from my observations, the spacious character of the area has thus far, generally been maintained.

7. I acknowledge that the shape of the site and the need to accommodate an access road with sufficient turning areas has significantly influenced the proposed layout. However, it seems to me that given these factors plus the number of proposed dwellings the resultant plot sizes and garden area for each of the proposed dwellings would generally be materially narrower and smaller than the plots and gardens of dwellings in the vicinity of the appeal site.
8. This would be particularly evident in regard to the proposed houses on the site frontage which would be markedly smaller plots than most other properties along this part of Leatherhead Road. The consequential need to formally set out parking to the front of the dwellings only serves to reinforce this conflict with the prevailing street scene.
9. Elsewhere, the layout places some houses close to neighbouring boundaries and others in close proximity to existing houses. I consider below the implications of this on the living conditions of the neighbouring occupants. However, these physical aspects of the scheme are not particularly reflective of the prevailing, more open and spacious characteristics of the area.
10. Therefore, whilst the proposed density might not ordinarily be considered as 'high', it is meaningfully higher than the other garden developments in the area which have preceded it. Consequently, I find that the proposed scheme would result in a development that would be out of keeping with the more spacious pattern of neighbouring development. As such, the proposal as a whole would be at odds with its surroundings and thus harmful to the prevailing character and appearance of the area.
11. Consequently, it would conflict with Policy CS14 of the Mole Valley Core Strategy 2009 (CS), Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 (LP) and Policies BKEN2 and BKH2 of the Bookham Neighbourhood Development Plan 2015 (NP) which, amongst other things, seek to ensure proposals, including those for garden development, respect the character of the area.
12. 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

13. The dwellings proposed for plots 3 and 4 have been designed so as not to have habitable room windows directly overlooking the neighbouring garden of Sheader. There would be the potential for some landscaping/planting along this boundary and the houses themselves would be positioned on a lower lying part of the site.
14. The proposed dwellings would be positioned away from the neighbouring house itself but nevertheless, they would be considerable structures positioned very close to the boundary with this neighbour. As a result of their designs, they would be substantially higher than the boundary fencing and would be over 9m and 10m in depth respectively. Given these factors, the proposed dwellings are

likely to be overbearing and create a significantly more enclosed setting for this neighbour.

15. In addition, there would be new activity and an increased level of disturbance associated with these family sized dwellings. This will be accompanied by associated effects such as engine noise from cars parked adjacent to the boundary and light spillage from the houses. This will all be taking place in close proximity to the existing garden of Sheader.
16. Cumulatively these factors would result in a significantly diminished living environment for the occupants of Sheader. Therefore, I am satisfied that the overall effect of the proposed development would be harmful to the living conditions of this neighbouring occupant.
17. I acknowledge that there are newer properties in the vicinity of the appeal site which have similar depth of rear garden to those generally proposed for the appeal site. However, elsewhere new dwellings appear to have been kept away from facing towards the rear elevations of existing dwellings. In the case of plots 4 and 5 they would face towards the rear of No.27 Browning Road, whose own rear garden is not overly long.
18. The dwellings on plots 6-8 are at 90 degrees to the rear garden of No. 21 Browning Road. However, with only 1.2m between Nos 6 and 7, these houses will present as significant built form with windows at ground, first and second floors. Elsewhere in the area, where new dwellings are at 90 degrees to an existing garden, they are generally positioned towards its rear portion and away from the more private and sensitive parts of the existing neighbour's garden, which tend to be closer to the dwelling. This is not the case with Plot 8.
19. Some mutual overlooking could be expected in an area such as this. However, I find that the degree of overlooking that would result from the number of proposed dwellings and their positioning would be greater than that which occurs generally in the area and that it would be harmful to these existing neighbours' living conditions.
20. Whilst additional boundary planting would be provided, given that planting can too easily be removed, provide less protection at various times of the year or simply suffer disease and die, it cannot be relied upon. Planting and landscaping should therefore generally seek to complement a proposal and not in itself make an otherwise inappropriate development acceptable. As such, the boundary planting in this instance is not a reason to allow the appeal.
21. The proposed new access for the houses would run alongside the boundary with No.4 Walnut Tree Close. It would have to pass close to the side elevation of the neighbouring property and would run alongside the full length of its garden. In this particular setting, where houses are set back from the main road and gardens provide a more tranquil and private environment for occupants, a new access road that would be on an incline and would serve six houses would entail some level of disturbance to this neighbour.
22. I acknowledge that there are examples of access roads passing housing elsewhere in the area. However, I have not been provided with details to demonstrate that they would be directly comparable in terms of the number of houses served, the gradient or width of the access, or proximity to the side elevation of an existing neighbour's house.

23. It is also not clear from the submitted drawings whether the proposed hedge alongside this boundary would be feasible or indeed whether it would be effective in combating any disturbance caused by passing vehicles.
24. Drawing the threads of my assessment together, I find that the development would cause harm to the living conditions of neighbours, in particular those occupants of Sheader, No. 4 Walnut Tree Close and Nos. 27 & 21 Browning Road.
25. The proposal is therefore contrary to Policy ENV22 of the LP and Policy BKH2 of the NP which, amongst other things, seek to ensure neighbouring occupiers are not unacceptably harmed by such matters as the development being overbearing, causing overlooking, noise or traffic impacts.
26. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments create a high standard of amenity.

Car Parking

27. Policy BKH3 of the NP requires the development to provide a minimum of 19 off-street car parking spaces. The development provides each dwelling with 2 spaces which represents a shortfall of 3 spaces on the required minimum number for the scheme as a whole.
28. It is pointed out that the County Highway Authority has not objected to the scheme on safety, capacity or policy grounds and that their standards indicate 2 spaces per dwelling would be appropriate, albeit this appears to be guidance rather than development plan policy. I also note that based on the 2011 census data, the likelihood of the occupants of the four-bedroom houses having 3 or more vehicles is not high. The Council has not disputed these Census figures.
29. There are some facilities and a bus stop within walking distance of the site which may have a limited bearing on future occupier's car use. However, more pertinently, aside from parking on Leatherhead Road, which is unlikely to be overly attractive, there are few alternative parking options outside of the site. This may have a greater bearing on decisions around future occupation of the houses and car ownership than the proximity of facilities or bus stops.
30. Nevertheless, neither these factors nor the Census figures wholly exclude the possibility of there being a greater demand for parking from residents than the site can formally provide. I cannot therefore entirely rule out the prospect that there could be an on-going demand for vehicle parking over and above that provided.
31. Given the nature of the site, the scale of development and the proposed layout, it seems to me that any such parking demand would be most likely to manifest itself in vehicles being parked around the turning head or on footpaths or areas of landscaping within the site. Whilst this may not cause a highway safety issue, it would nonetheless be inconsiderate and harm the overall quality of the area, to the detriment of residents and their environment.
32. I am therefore not satisfied that the layout and parking arrangements have fully demonstrated that they would ensure that the development functions well and adds to the overall quality of the area, not just for the short term but over the lifetime of the development. In this respect the proposal would be contrary

to the Framework. I am also mindful of the overarching objectives of the Framework to ensure development achieves quality living conditions for its occupiers.

33. I therefore find that the proposed development would create a demand for parking for which the parking arrangements would not be adequate. The proposal is therefore contrary to Policy BKH3 of the NP. This policy, amongst other things, does not support proposals that fail to provide sufficient parking spaces for new residential developments.

Other Matters

34. Updated information in relation to bat roosts has been submitted as part of the appeal. It is intended to clarify the position and I am satisfied that my taking it into account would not prejudice the Council or interested parties.
35. The report concludes that there is negligible potential for roosting bats. I have no reason to doubt the evidence submitted in the updated ecological report or the robustness of its findings. I am therefore satisfied that it provides a sufficiently firm basis on which to conclude that the development would not cause harm to any protected species and so complies with Policy CS15 of the CS and Policy ENV15 of the LP which, amongst other things, seek to protect and enhance local biodiversity, including protected species and their habitat. The development would also accord with an objective of the Framework which is to protect and enhance bio and geo diversity.
36. The Council has not objected to the principle of the development. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.
37. There are a number of matters such as housing mix, space standards, flood risk, waste management etc. which are said to not be in dispute. However, these matters represent a lack of harm which would accordingly be neutral in any balance.
38. The proposal would alter and, it is said, improve access to the site. However, I have not been presented with any evidence to indicate that there are particular safety or other concerns associated with the existing access or the current arrangement. Therefore, the changes appear to be a natural consequence of the proposal. As such, this is not a matter which weighs in favour of the scheme.

Planning Balance and Conclusion

39. It is agreed that the Council cannot demonstrate a five-year supply of housing land. The Council's latest Housing Delivery Test result was 70%. On that basis, Paragraph 11(d) of the Framework would apply.
40. The Government's objective is to significantly boost the supply of housing and the proposal would provide seven additional, modern homes in a location with adequate access to services. The proposal would also accord with the Framework's support for windfall sites and make efficient use of land. Given the Council's under delivery of housing sites and despite the relatively small scale of the proposal, the provision of these additional houses would make an important contribution to addressing the shortfall and to the Government's

overall objectives of boosting the supply of homes. I therefore give this matter considerable weight.

41. The scheme would also lead to some, albeit time-limited, economic benefit during the construction phase, which may give rise to extra local employment. In the longer-term, future residents may make a more general economic contribution towards supporting services in the surrounding and wider area. There may also be some social benefits arising from the proposal. However, given the scale of the development I attribute only limited weight to these economic and social benefits in support of the scheme.
42. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area, the living conditions of neighbours as well as the environment for future residents. The need to protect all of these factors is perennial and in direct compliance with the Framework.
43. As these harms would be considerable and long lasting, they are, as a consequence, worthy of substantial weight. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore be sustainable development.
44. Whilst there would be some beneficial aspects of the scheme, considered overall the development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
45. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR