



Appeal Decision

Site visit made on 11 January 2023

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/C3620/W/22/3299876

Woodleigh, Church Road, Bookham, Surrey, KT23 3JT

- 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/2022/0493/PLA, dated 18 March 2022, was refused by notice dated 12 May 2022.
 - The development proposed is erection of two pairs of semi-detached dwellings, including associated access, parking and landscaping, following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the living conditions of neighbouring occupiers regarding outlook, privacy, and noise,
 - The effect of the proposed development on the character and appearance of the area; and,
 - Whether it would provide acceptable living conditions for future occupiers regarding the provision of private garden space.

Reasons

Neighbour living conditions

3. The appeal proposal would introduce a pair of 2.5 storey houses towards the rear of the site. These would be especially prominent in views from the houses on Barn Meadow Lane. They would be significantly taller than those houses, both because of their greater height and also the elevated ground level within the appeal site relative to Barn Meadow Lane. They would be side-on to Barn Meadow Lane, with crown roofs and substantial rear dormer windows. Consequently, they would appear overbearing and harmful to the outlook of neighbouring occupiers, especially No 62A which would face directly onto the flank elevation of the house on Plot 4, and No 62 which has a relatively short rear garden from which the rearmost pair of houses would be prominently visible.

4. No 66 Barn Meadow Lane would also face onto the side elevation of the houses on Plots 1 and 2 at a relatively short distance, while they would also be prominent from No 64. However, given the existing relationship with Woodleigh, and notwithstanding the greater size and revised siting of the new houses compared to it, this would not cause unacceptable harm to the living conditions of the occupiers of 64 and 66 Barn Meadow Lane.
5. The houses on Plots 1 and 2 would sit further forward on the plot than Woodleigh, lying between 66 Barn Meadow Lane and No 71 Church Lane. This would cause some loss of outlook from No 71 but this would be to the side of that house. The houses on Plots 3 and 4 would be prominent in views from No 71, and from within its garden. However, given the depth and width of the garden, overall this would not cause undue harm to the living conditions of the occupiers of No 71.
6. The Council's reason for refusal refers to matters of noise and privacy. However, no submissions have been made by the Council on these points in relation to neighbouring properties.
7. The only side-facing windows above ground floor level would be to the landings of the houses. If I were minded to allow this appeal, an appropriately worded condition could have required that these be fitted with obscured glazing to preserve neighbour privacy. The remaining windows to upper floor rooms would provide oblique outlooks to existing properties and would not result in unacceptable harm to the privacy of existing neighbours.
8. The delegated report specifically states that there would be no harm from noise arising from parking activity, and I see no reason to disagree with this given the scale of development.
9. Overall, therefore, the proposed development would cause unacceptable harm to the living conditions of the occupiers of Nos 62 and 62A Barn Meadow Lane. This would conflict with the requirements of Mole Valley Local Plan (the LP) Policy ENV22 and Bookham Neighbourhood Development Plan (the NDP) Policy BKH2. Taken together these require that development not significantly harm the amenities of the occupiers of neighbouring properties by reason of overpowering effect, and that for infill and garden development the height of new homes should not dominate their surroundings or be overbearing.

Character and appearance

10. The surrounding area comprises houses of varied size and appearance. Principally, plots are a single unit in depth, but the appellant has drawn to my attention the recent developments at Oakleigh Court and Lyfield Court to the south of the site, which I saw during my site visit. This series of applications resulted in 18 new homes being built in a front and rear layout like that proposed in this appeal. Furthermore, there is policy support for infilling and garden development to provide additional homes. The principle of development is therefore acceptable. However, Policies ENV22, ENV23 and ENV24 of the LP, BKEN2 and BKH2 of the NDP and CS14 of the Mole Valley Core Strategy (the CS) collectively require that all new development must respect and enhance the character of the area in which it is proposed, that the scale and character respect the surrounding built environment, and that the spacing of development should respect the character, layout and design of the dwellings in the immediate locality.

11. Each pair of houses would be 2.5 storeys in height, with high eaves to the sides and part-hipped crown roofs to form additional accommodation in the roof spaces. This would result in the houses appearing unusually large and bulky in the wider area, where most properties are 1 to 2 storeys in height. The combination of their size, appearance and the prominence in particular of the rearmost houses from surrounding properties would result in the development being harmful to the character and appearance of the area. While additional planting is proposed throughout the site, this would not provide sufficient screening to mitigate the visual impact of the development, given the height and bulk of the proposed houses.
12. The appellant has drawn my attention to the neighbouring property, No 71 Church Lane, which has eaves and a ridgeline higher than those of the proposed houses. However, that is a detached two-storey property with much greater separation to either side boundary of the site from the two-storey elements. It also occupies a substantially wider site than the appeal plot, where 4 new houses are proposed. The visual impact of the appeal proposal would therefore be significantly different to No 71, for the reasons set out above.
13. The houses on Oakleigh Court and Lyfield Court principally comprise two-storey houses of a scale in keeping with their surroundings, and therefore differ from the appeal proposals. Accordingly, while these developments do demonstrate how a layout such as that can be implemented in the vicinity of the appeal site, the weight accorded to them in the determination of this appeal is limited given these differences.
14. The proposed uniform appearance of the pairs is not typical of properties in the surrounding area, but there are some properties that appear similar on neighbouring plots in the wider area, and the siting of the houses means that there are few vantage points from which the two pairs would be seen together. This uniformity would not therefore result in harm to the character and appearance of the area.
15. Overall, therefore, there would be harm to the character and appearance of the area from the form and scale of the proposed development. This would conflict with the identified aims of Policies ENV22, ENV23 and ENV24 of the LP, BKEN2 and BKH2 of the NDP and CS14 of the CS set out above.

Future occupiers

16. The houses on Plots 3 and 4 would face the rear gardens of the houses on Plots 1 and 2 with between 14 and 19 metres separation. Bedroom 2 to each of the rear properties would directly overlook the gardens to the front properties as a result. However, the separation distance in each case would be significant, and the outlook from a single room in each of the rear houses would not cause such harm to the privacy of the occupiers of the front houses that unacceptable living conditions would result.
17. The appeal proposal would therefore accord with that part of LP Policy ENV22 that requires development to not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking.

Planning Balance

18. The Council has a shortfall in its supply of deliverable housing land, at 2.9 years. Furthermore, the most recent Housing Delivery Test records that the

Council has delivered fewer than 75% of the required new homes in the test period. Accordingly, the presumption in favour of sustainable development is engaged.

19. The development would result in the creation of 3 new dwellings, supporting the Government's objective of significantly boosting the supply of homes. Given the considerable shortfall both in deliverable housing land and housing completions, the benefit of new housing attracts greater weight in the overall balance. In addition, the development would deliver short-term economic benefits during the construction period, and ongoing support for local services. These considerations also weigh in favour of the proposed development.
20. Set against these benefits would be the harm identified above. Given the size and scale of the houses, and their siting and proximity relative to Nos 62 and 62A Barn Meadow Lane, unacceptable harm would result to the living conditions of the occupiers of those properties. The harm to the character and appearance of the area weighs further against the proposed development.
21. In this instance, the harm that would arise from the proposed development would significantly and demonstrably outweigh the benefits that it would deliver. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

22. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR