



Appeal Decision

Site visit made on 7 March 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 MARCH 2023

Appeal Ref: APP/C3620/W/22/3301987

Works, Portland Road, Dorking RH4 1EW

- 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 Jacob Issacharoff against the decision of Mole Valley District Council.
 - The application Ref MO/2021/2093/PLA, dated 5 November 2021, was refused by notice dated 17 June 2022.
 - The development proposed is described on the application form as the 'demolition of disused light industrial unit and erection of a 6 flat development.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises the demolition of a disused light industrial unit and the erection of a 4 flat development. The Council dealt with the proposal on this basis, and so shall I. I also note that a similar description is used in the appellant's appeal form.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to daylight;
 - whether a satisfactory standard of accommodation would be provided for future occupiers, with particular regard to internal layout and outlook;
 - the effect of the proposed development on parking provision;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on biodiversity.

Reasons

Living conditions of neighbouring occupiers

4. Windows exist in the east elevation of Parklands House, which adjoins the appeal site. The proposed development would introduce additional height and mass to the plot compared with the established single-storey building. This change in relationship would likely compromise the level of daylight to those neighbouring windows.
5. No daylight assessment has been provided in support of the proposal, the appellant contending that the windows already face onto built form at the appeal site and that the proposed development would provide a small setback relative to the established appeal building. Nevertheless, the separation distance between Parklands House and the proposed development would be limited. In the absence of a daylight assessment, or any evidence, to demonstrate that daylight levels would be satisfactory for those neighbouring occupiers, I am not convinced that the proposed development would not harm the living conditions of the occupiers of Parklands House.
6. For the above reasons, I conclude that the proposed development would fail to have an acceptable effect on the living conditions of the occupiers of neighbouring properties, contrary to the relevant provisions of Policy ENV22 of the Mole Valley Local Plan (LP, 2000). This policy, in part, seeks to avoid harm to the amenities of the occupiers of neighbouring properties, including through overshadowing. This is in a similar vein to paragraph 130 of the National Planning Policy Framework (the Framework) in respect of creating places with a high standard of amenity for existing users.

Standard of accommodation for future occupiers

7. I note that within its officer report the Council considers the proposed development to fall below the Nationally Described Space Standard (NDSS). However, there is no reference to the NDSS, or internal space standards more generally, within any policy or guidance that is before me. Whilst I have taken this aspect into consideration, I have afforded it only limited weight.
8. In respect of outlook, the bedroom window of Flat 1 would face onto Portland Road, over the proposed car parking area. Whilst the outlook from this main window would be over hard landscaped areas, this is not unusual for a relatively urban setting and the separation distance between neighbouring properties is reasonable. Overall, outlook from this room would not be unacceptable.
9. The appellant has set out that the lower-level bedroom within Flat 2 would borrow light from the west facing window. It appears from the plans that no external window would serve this room. Such an arrangement, irrespective of its use as a bedroom (which in any case is regarded as a habitable room), would harmfully obstruct outlook meaning that occupiers would likely experience an unacceptable and oppressive sense of enclosure.
10. Overall, I conclude that the proposed development would fail to provide a satisfactory standard of living accommodation for future occupiers, with particular regard to outlook. This would be contrary to the relevant provisions of LP Policy ENV22 which, in part, seeks that developments provide a good standard of accommodation for future occupiers. This is in a similar vein to

paragraph 130 of the Framework in respect of creating places with a high standard of amenity for future users.

Parking provision

11. The proposed development would be provided with two car parking spaces to the front, accessed directly off Portland Road. A cycle store with provision for two cycles would also be provided. Portland Road is not subject to any parking restrictions and at the time of my site visit, which I acknowledge was only a snapshot in time, there were only a limited number of cars parked in the highway.
12. LP Policy MOV5 sets out that the Council's car parking standards will be applied as a maximum, having regard to the accessibility of the site to means of travel other than private car. From that perspective, the site is located close to local shops and services and relatively close to Dorking Town Centre and public transport facilities. Moreover, the highway authority has set out in its consultation response to the proposed development that it has no objection from a highway safety perspective. I have no reason to disagree with those findings. Accordingly, I have no substantive evidence before me to demonstrate that the provision of 2 parking bays at the site would result in harmful levels of overspill parking in streets outside the site, or that it would harm highway safety.
13. In respect of cycle parking, only 2 spaces are proposed. The Surrey County Council Vehicular and Cycle Parking Guidance (SCCPG) document (2018) sets out minimum cycle parking levels for new development. For 1-2 bedroom residential units, 1 cycle space per unit is recommended. Although the Council has suggested a condition requesting further details of cycle parking provision in the event that the appeal was allowed, there is no substantive evidence before me to demonstrate that recommended levels of cycle parking could comfortably be provided on site.
14. Consequently, I conclude that although I have found the proposed car parking levels to be acceptable in this particular instance, the proposed development would fail to provide adequate cycle parking facilities. This would be contrary to the relevant provisions of LP Policy MOV2 which, when taken as a whole, seeks to ensure that development is compatible with the transport infrastructure and the environmental character in the area, and the SCCPG. This is in a similar vein to paragraph 104 of the Framework which sets out that transport issues should be considered from the earliest stages so that parking and other transport considerations are integral to the design of schemes.

Character and appearance

15. The appeal site comprises a single-storey commercial building setback from Portland Road behind a small forecourt. The building accommodates the majority of the site meaning that there is little existing open space within it. The site is surrounded by residential properties of a varied scale, design and period, including a mixture of single dwellings and flatted developments.
16. The proposed development would be split into two elements. The front, street-facing element would match the height of neighbouring roof ridge levels, be constructed of similar materials and respect the building line along Portland

Road. This element of the scheme would assimilate to an acceptable standard with the wider street scene.

17. The rear element would be more contemporary in design, finished in timber cladding, render and slate. Nevertheless, a range of building materials exist within the surrounding area and the proposal would sit comfortably in that context. Moreover, views of the rear element would be restricted by reason of its setback from Portland Road, behind the front building, and high boundary treatments and landscaping to the rear.
18. The proposed development would span much of the appeal site, an arrangement which would not typically reflect the prevailing layout of the surrounding area. Properties within the surrounding area generally sit within reasonably sized garden plots arranged in a traditional manner relative to roads. Nevertheless, the appeal site, as it existed during my visit, is already significantly developed, with built form spanning across much of it. This is not dissimilar to the arrangement at neighbouring Parklands House. Accordingly, the proposed development would not appear cramped or discordant in this particular instance.
19. Although limited landscaping proposals are presented as part of the proposed development, it would incorporate reasonable improvements compared with the existing site, including the provision of green roofs and garden space, the details of which could be requested by condition.
20. Consequently, I conclude that the proposed development would have an acceptable impact on the character and appearance of the area, in accordance with the relevant provisions of Policy CS14 of the Mole Valley Core Strategy (CS, 2000) and LP Policies ENV22, ENV23 and ENV24. These policies, when taken as a whole, seek that development respects and enhances the character of the area whilst making the best possible use of the land available. This is in a similar vein to the objectives of paragraph 130 of the Framework insofar as good design and the efficient use of land is concerned.

Biodiversity

21. Although the fifth reason for refusal relates to there being limited opportunity for retaining or enhancing biodiversity on the site, the Council's officer report sets out that the proposed development would not result in a significant loss to current biodiversity and that it would make provision for green infrastructure. The Council also sets out that a landscaping scheme, detailing measures to deliver net gains for biodiversity, could be requested by condition. I have no reason to disagree with the findings of the officer report in that respect and, in the event that the appeal was allowed, I am satisfied that such a condition could be imposed.
22. Accordingly, I conclude that, subject to a condition, the proposed development would have an acceptable effect on biodiversity, in accordance with the relevant provisions of LP Policy CS15. This policy, in part, seeks that new development promotes biodiversity. This is in a similar vein to paragraph 174 of the Framework which seeks to minimise the impacts on and providing net gains for biodiversity.

Other Matters

23. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply (2.9 years). As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The proposed development would represent a contribution of four extra dwellings to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other social and economic benefits including in supporting employment during construction and the bringing about of trade to nearby services and facilities. I also note that the site is located in an accessible position near to various local services, facilities and employment. However, these benefits would inevitably be limited, both individually and cumulatively, by reason of the overall scale and nature of the proposed development.
25. The appellant also sets out that the development would meet a number of other planning objectives, including in respect of the principle of development, the use of materials and that the site lies outside of any heritage designations. However, those matters are not in dispute between the Council and appellant. Even were I to reason that the scheme was acceptable in those respects, this would essentially be neutral in my assessment of the appeal. I therefore afford this only limited weight.
26. Against these matters are the significant harm to the living conditions of both the occupiers of neighbouring properties and future occupiers of the development, and harm in respect of cycle parking provision.
27. On balance, I find that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

28. For the above reasons and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR