



Appeal Decision

Site visit made on 16th March 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 19th April 2023

Appeal Ref: APP/C3620/W/22/3304603

The Red House, 43 Skinners Lane, Ashstead KT21 2NN

- 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 Golden Years Limited against the decision of Mole Valley District Council.
 - The application Ref.MO/2021/1719/PLA Major, dated 7 September 2021, was refused by notice dated 18 May 2022.
 - The development proposed is the demolition of 2 existing dwellings and the extension and alteration of a care home.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 2 existing dwellings and the extension and alteration of a care home at The Red House, 43 Skinners Lane, Ashstead KT21 2NN, in accordance with the terms of the application, ref. MO/2021/1719/PLA Major, dated 7 September 2021, subject to the Schedule of Conditions at the end of this appeal decision.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the site and the area, the effect on the living conditions of occupants of Tarqua with particular regard to outlook and the occupants of 4 The Mead with particular regard to privacy, and the effect on the living conditions of future residents in rooms on the first floor south-east elevation with regard to outlook and oppressiveness.

Reasons

Character and appearance

3. The Red House Care Home is a two storey (plus rooms in the roof) residential care home located on the eastern side of Skinners Lane, which is within the built-up area of Ashtead. There are residential properties situated on most of the surrounding land. There is a nursing home (Birdcroft) to the west and a squash and tennis club to the north-east. To the rear of Red House stand two detached chalet bungalows Larchmont and Questers, accessed off Skinners Lane.
4. The Mead is a cul-de-sac to the south and some of the dwellings on The Mead have a common boundary with the appeal site. Tarqua is on Skinners Lane immediately to the north of the appeal site. No.4 The Mead (Garthowen) is a

two storey detached dwelling with a rear garden. Tarqua is a brick-built chalet bungalow.

5. Planning permission is sought for the erection of a part single, part two storey extension and alterations to the care home following demolition of Questers and Larchmont. The proposal would create 24 new bedrooms including 23 new ensuite wet room bedrooms to the care home and would provide additional parking spaces within the appeal site.
6. In 2012 planning permission was granted on appeal for an 8 bedroomed extension to the care home which would have involved the demolition of Questers (application ref:MO/2010/1296). The appellant indicates that this could be built out in full as part of it was implemented within the required time period. I have borne this planning permission in mind as it is a material consideration to take account of in the decision-making process.
7. The appeal site lies within the 'Lanes' character area, described by the Built Up Areas Character Appraisal Supplementary Planning Document (2010) for Ashted as comprising "irregular plot sizes and an informal, almost jumbled, layout" with a "varied street scene" and "building styles varied in scale, period and materials, adding to the visual interest of the area. No particular style dominating". This description accords with my analysis of the character of the area. I noted a variety of densities with substantial period houses co-existing comfortably with small dwellings and some gardens being very large and some very small. In the vicinity of the appeal site this variety is also evident. For example, there are cottages that sit close to Skinners Lane in contrast to a more spacious layout of dwellings on The Mead.
8. The design of the proposed extension to The Red House uses a single storey middle element to link the existing building to the proposed two storey two-winged rear element. This connection solution avoids undue bulk and massing and, given the character of the area as I have described it above, it would not result in the extended Red House being an inappropriate overall size or scale in The Lanes.
9. The proposed extension would step back from the site boundaries avoiding an appearance of being unduly squeezed into the available plot, and the design incorporates some single-storey lean-to elements and graduated and stepped - back elevations which would soften the relationships between the proposal, neighbouring buildings and the common boundaries. These further reduce a bulky appearance whilst making effective use of land. Given the backland location of Questers and Larchmont, the impact of the proposal on the Skinners Lane, Highfields and The Mead streetscenes would be limited.
10. There would be a more urban appearance to the front of The Red House in particular with the replacement of some of the garden to create additional parking space. A more intensive use of the appeal site would be evident but this would not unduly harm the varied streetscenes typical of The Lanes by appearing cramped or overdeveloped. A landscaping scheme is likely to further soften appearances and relationships with surrounding buildings.
11. On this issue, I conclude that the proposed development would not harm the character or appearance of the site or surrounding area and it would not be contrary to policy CS14 of the Mole Valley Core Strategy (adopted October 2009), policies CF2, ENV22, ENV23 & ENV24 of the Mole Valley Local Plan

“MVLP” (adopted October 2000) or policies AS-H5, AS-En3 & AS-Inf1 of the Ashted Neighbourhood Development Plan 2015-2026.

Living Conditions of Occupants of Tarqua and 4 The Mead

12. Tarqua faces Skinners Lane with its garage being closest to the common boundary with the appeal site. Whilst views out of the rear windows and views in a southerly direction would change for the occupants of Tarqua, the proposed northern wing of the extension would retreat away from the common boundary thereby avoiding a feeling of undue enclosure when in the bungalow or its garden. Furthermore, the closest part of the northern wing of the proposed extension would be over 5m away from the boundary and it would be single-storey at that point. The proposal would be orientated away from Tarqua with the length of the extension sitting at an oblique angle to Tarqua and its garden. It would not be overbearing or unduly dominant for the occupants.
13. No.4 The Mead is a two storey dwelling situated to the south of the appeal site and would be affected by, *inter alia*, the proposed south east elevation of the proposal. No.4's main garden is to its rear. The current occupiers confirm that two tall trees on the boundary of their property largely screen the ridge line of Questers from their property. Screening could also be reinforced by retention and replacement of planting on the appeal site, which could be secured under the landscaping condition. The first floor south east elevation windows of the proposed extension are shown as opaque and fixed shut. A planning condition to a similar effect (but allowing some ventilation) is included in the schedule of conditions in this decision letter. Obscured glazing in those windows and the requirement to have them fixed shut below a specified level would overcome the perception of being overlooked by future occupants given that the use of rooms would not be perceivable. It would also severely restrict actual overlooking for the occupants of no.4 when using their garden or inside their dwelling. Furthermore, there would be a generous separation distance of about 26m between the rear elevation of no.4 and the south east elevation of the proposed extension.
14. On this issue, I conclude that the proposed development would not result in unacceptable living conditions for the occupants of Tarqua by reason of loss of outlook or for the occupants of no.4 The Mead by reason of loss of privacy. There would be no conflict with Policy CF2 or ENV22 of the MVLP.

Living conditions of Future Residents of the Development

15. In respect of approved floorplan G5405 82A (First Floor GA Plan), there is concern that because first floor windows which directly face The Mead in bedrooms 15 and 16 of the proposed extension would be fitted with obscured glass (amongst other things) that the living conditions for the future occupants of those rooms would find conditions oppressive. However, bedroom 15 would have 4 windows serving the room in total. Two of those would be on the south west elevation and would allow views out towards part of the landscaped gardens and could be fully opened. Bedroom 16 would be served by 3 windows and one of those would be on the north-east elevation which would allow views out to part of the landscaped gardens and events lawn and could be fully opened. Consequently, I consider that bedrooms 15 and 16 would have adequate natural light and would not lack an adequate outlook or the ability to have at least one window fully open.

16. On this issue, I conclude that the proposal would not harm the living conditions of future residents of the development by being unduly oppressive. There would be no breach of policy ENV22 of the MVLP.

Other Matters

17. I am satisfied that the evidence in the Transport Statement supporting a requirement for a total of 18 car parking spaces based on parking demand levels experienced on the site is robust. The Highway Authority raises no objections with regard to vehicle movements associated with the development and it is considered that the vehicle movements to and from the expanded care home would not be so unreasonably high or unsafe as to warrant planning permission being refused.
18. As to residential amenity, whilst at no.4 The Mead and its neighbours there would be a change in outlook from the garden and dwellings, it would not be out of keeping with the suburban built-up area in which dwellings and care homes currently co-exist. Separation distances would be of a length and angle that unacceptable loss of outlook or privacy for neighbours would not be likely to occur (privacy being considered for no.4 The Mead above). I am satisfied that noise from the operational phase of the development would not reach unacceptable levels.

Further Considerations and Conclusion

19. A number of benefits would flow from the scheme and have been given weight in the planning balance. Whilst two dwellings would be demolished, 24 additional bedspaces for the older people is a clear benefit particularly where there is a recognised need for provision of this type. Furthermore, provision of additional bedspaces tends to free up standard housing to the wider market. This factor is one which attracts added weight given that the Council cannot demonstrate a 5 year housing land supply and is experiencing delays with the preparation its emerging local plan.
20. The appeal site is in a built-up area within a settlement and is in part previously-developed land and these too are favourable factors for its development. The proposal would also deliver economic benefits through providing full time employment for care home staff, construction jobs and local investment during its build out.
21. I am satisfied that the proposal would be in general accordance with the adopted development plan and there are no material considerations which suggest to me that permission should be refused. As the Council cannot demonstrate a 5 year housing land supply, the tilted balance applies. I conclude that the benefits flowing from the implementation of the scheme would significantly and demonstrably outweigh any adverse impacts when assessed against the National Planning Policy Framework as a whole.

Conditions

22. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council suggested a number of conditions in the event that the appeal was successful and these are supported

by the appellant. I agree that the proposed conditions, subject to some minor amendments in the interests of precision and brevity, are reasonable and necessary in accordance with PPG.

23. For the avoidance of doubt, there is a condition to ensure that the development is built in accordance with the approved plans. Approval and implementation of the final choice of external-facing materials, a landscaping scheme and details of boundary treatment are needed to sustain the character and appearance of the area. In order to avoid flooding and promote sustainable drainage, there are conditions relating to approval of hard surfacing, a surface water drainage scheme and a drainage verification report. The approval of a surface water drainage scheme needs to be a pre-commencement condition in order to secure effective drainage and the appellant has consented to this.
24. For highway safety reasons, there is a condition requiring the parking area to be laid out and retained in accordance with the approved plan, and to aim to reduce carbon emissions, at least 2 spaces shall have fast chargers for electric vehicles. A condition to provide secure cycle parking is imposed in order to encourage sustainable travel.
25. In order to protect residential amenities, there are requirements for obscured glazing/partially fixed shut in some windows.

Overall Conclusion

26. The proposal would represent a more intensive development of the site than the existing, and the concerns raised by the Council and by some residents about the potential effects on living conditions and on the character of the area are understandable. However, having taken careful account of all representations made and assessed the situation on the ground, I have concluded that these effects would fall within acceptable limits in each case. Subject to conditions, my overall conclusion is that the appeal should be allowed and planning permission granted.

Megan Thomas K.C.

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - G5405 81 Ground Floor GA Plan
 - G5405 82A First Floor GA Plan
 - G5405 83 Existing Ground & First Floor Plans
 - G5405 84A Roof Plan

- G5405 85A Proposed Elevations – Sheet 1
- G5405 86A Proposed Elevations – Sheet 2
- G5405 87A Proposed Street Scene Elevations
- G5405 88 Existing Elevations – The Red House
- G5405 89 Existing Elevations – Questers and Larchmont
- G5405 90A Proposed Boundary Relationship Diagram
- G5405 91 Proposed Site Plan
- G5405 92 Proposed Site Block Plan
- G5405 93 Existing Site Location Plan
- G5405 94 Proposed Site Location Plan
- RHS L1 Rev E. Red House Landscape Proposals Layout 2
- Existing Impermeable Areas
- Proposed Impermeable Areas – SL(5) 511 Rev A
- Topographic Survey Sheets 1 and 2

- 3) No development above slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
- 4) No development above slab level shall take place until details of the hard surfacing to be used within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.
- 5) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The required drainage details shall include:
 - a) the results of infiltration testing completed in accordance with BRE Digest, and confirmation of groundwater levels.
 - b) evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% climate change allowance) storm events, during all stages of the development. The final solution must follow the principles set out in the approved drainage strategy. Associated discharge rates & storage volumes shall be provided using a maximum discharge rate of 2.1 l/s.
 - c) detailed drainage design drawings and calculations should include a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features
 - d) evidence that any existing surface water drainage proposed for re-use is in a suitable condition to receive flows, or remedial measures identified.
 - e) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - f) Details of drainage management responsibilities and maintenance regimes for the drainage system.

- g) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 6) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 7) No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected/retained. The boundary treatment shall be completed prior to the first occupation of the development, shall be carried out in accordance with the approved details and thereafter permanently retained as such.
- 8) Before any above-ground works take place, there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall be carried out in accordance with the approved details.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of development unless otherwise agreed in writing with the Local Planning Authority; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking turning areas shall be retained and maintained for their designated purposes.
- 11) The development hereby approved shall not be occupied unless and until at least 2 of the proposed parking spaces are provided with a fast charge socket in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained in working order.
- 12) The development hereby approved shall not be first occupied unless and until facilities for the secure parking of bicycles within the development site have been provided. Those facilities shall be retained permanently.

- 13) The development hereby permitted shall not be occupied until the four windows at first floor level on the south eastern elevation 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 they are 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 window is installed and once installed the obscured glazing shall be retained thereafter.