



Appeal Decision

Site visit made on 6 June 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/C3620/W/22/3302259

Garage site between 21 & 23 Devitt Close, Ashted KT21 1JS

- 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 Nigel Angus (Crouch MRG Ltd) against the decision of Mole Valley District Council.
 - The application Ref MO/2022/0223/PLA, dated 8 February 2022, was refused by notice dated 29 March 2022.
 - The development proposed is demolition of double garage block and construction of 2 bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to The Mole Valley Local Development Framework: Core Strategy (adopted 2009) (Core Strategy), the Mole Valley Local Plan (adopted 2000) (Local Plan) and the Ashted Neighbourhood Forum: Neighbourhood Development Plan 2015-2026 (Neighbourhood Plan). My attention has been drawn to the age of relevant policies within the Local Plan, and that a new local plan is being prepared.
3. In this regard, paragraph 219 of the National Planning Policy Framework (the Framework) provides that, amongst other things, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Moreover, I have not been referred to any specific inconsistencies between relevant policies of the Local Plan and the Framework. Hence, I have had regard to these policies in my decision-making. For the same reasons, I have also had regard to the relevant policies within the Neighbourhood Plan, which contain similarities with the Local Plan policies.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 5 Craddocks Close, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises a stand-alone double garage block with some vegetation to its rear and a paved area to its front. The site is located in a residential area within which, as described in the Built Up Areas Character Appraisal: Ashted (adopted 2010), houses follow a very regular plot layout and building line.
6. There are a variety of dwelling designs and sizes in the local area, but bungalows form the immediate context for the site, albeit there are 2 large houses opposite the site. Further to the west of the site, near the junction with Forest Way, are a set of 2-storey properties.
7. Dwellings on Devitt Close commonly contain little space to their side boundaries and the proposed chalet bungalow would not deviate from this pattern, and it would respect the dominant building line along Devitt Close. The proposed materials and its orientation would also be reflective of the locality.
8. However, compared with the prevailing plot widths in the vicinity, the site is very narrow indeed. This is to be expected, considering the site's function in providing a space for the existing double garage. As such, the proposed chalet bungalow would appear markedly out-of-keeping with both the adjoining bungalows to either side of the site (which are particularly wide) and those other bungalows close to it on Devitt Close, due to its noticeably narrow width in comparison with those properties. For this reason, the proposed development would not integrate well with its surroundings but instead would appear cramped within its context due to its siting within an uncharacteristically small plot.
9. The cramped appearance of the proposed chalet bungalow in its context would be exacerbated by its overall height and the scale of its roof with 2 large dormers, which would give the proposed chalet bungalow a top-heavy appearance.
10. Moreover, the frontage of the plot would be dominated by the proposed parking area, with little room left for soft landscaping. Although this would mimic the current situation on site, it would not complement the otherwise often fairly generously-sized and attractive front garden areas present nearby.
11. Furthermore, the rear garden area would be small, which would contrast greatly with the large rear garden areas found on many nearby plots along Devitt Close. Taking all of the above into account, the proposed development would serve to undermine the currently-distinctive and legible sense of place in the local area.
12. I have had regard to the examples of other developments referred to. Regarding rear of 2 Griffin Way¹, a short extract from the Council's Officer's Report has been provided, but as limited information has been submitted from the appellant describing the context within which that site is located, and the Council have commented that the plot size for that scheme conformed to the general grain of development in the area, it has not been demonstrated that this example is directly comparable with the appeal proposal.

¹ MO/2013/1702

13. Regarding Tumbledown, Guildford Road², no copy of the Council's Officer's Report has been provided, meaning that the context for that development and the Council's logic in assessing the proposal against that context is unclear, apart from the Council's observation that the scheme conformed to the general grain of development in that particular area. Consequently, this example has also not been shown to be directly comparable with the appeal proposal.
14. In relation to Sole Farm Cottage, Stone Hill Close³, only a brief extract from the Inspector's appeal decision has been provided by the appellant and the Council have provided only a partial summary of that appeal decision, neither of which demonstrate that the context for that scheme is directly comparable with the appeal proposal. Although plans have been provided for the examples at 35 Cobham Road, Fetcham⁴ and 4 Mole Road, Fetcham⁵, these do not illustrate the street scene as a whole, meaning that the character of these areas is unclear. Thus, it has not been demonstrated that these schemes are directly comparable with the appeal proposal. Therefore, none of the examples referred to above are sufficiently persuasive to cause me to change my findings on this main issue.
15. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with part 1. of Policy CS14 of the Core Strategy which provides that, amongst other things, all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available.
16. The proposal would conflict with part 3. of Policy ENV22 of the Local Plan which provides that where the principle of proposed development accords with the other policies of the Local Plan a design and layout will be required which respects the character and appearance of the locality. It would conflict with part 1. of Policy ENV23 of the Local Plan which provides that, amongst other things, development will normally be permitted where it respects its setting taking account of the scale, character, bulk, proportions and materials of the surrounding built environment. The proposal would conflict with Policy ENV24 of the Local Plan which provides that development will not be permitted where it would result in a cramped appearance having regard to the general space around buildings in the locality.
17. The proposal would conflict with Policy AS-H5 of the Neighbourhood Plan which provides that, amongst other things, developments must be visually integrated with their surroundings and designed to have regard to the character of the local area and street scene, and with Policy AS-En3 of the Neighbourhood Plan which provides that, amongst other things, all developments should be visually integrated with their surroundings and designed with regard to the character of the surrounding area.
18. The proposal would also conflict with paragraph 130 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the

² MO/2021/1620

³ MO/2021/0488

⁴ MO/2020/1662/PLA

⁵ MO/2019/2219/OUT

surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions

19. The rear garden of 5 Craddocks Close (No 5) directly adjoins the site. A large main patio area is present immediately to the rear of No 5. I observed that the upper-most part of the existing double garage on site is in clear view from both the garden and the main patio area at No 5.
20. The rear portion of the proposed chalet bungalow would rise substantially above the rear boundary fence on site. It is common ground between the main parties that the separation distance between this rear wall and the rear of No 5 would be approximately 14.2 metres. Nevertheless, the site is in an elevated position relative to No 5, and the distance between the proposed chalet bungalow and the garden of No 5 and its main patio area would be of a lesser distance than this.
21. Even though the rear protection of the proposed chalet bungalow would have a sloping roof, given the width and height of the rear projection in such close proximity to the garden of No 5, and the scale of the proposed chalet bungalow as a whole, the proposed chalet bungalow would present as an overly-dominant feature in views from the garden and the main patio area.
22. Whilst the hedging to the rear of the site would be retained and a planning condition could be imposed to ensure that it would be supplemented, there is no guarantee that such screening would be in effect in perpetuity, meaning that the harm identified to the living conditions of the occupiers of No 5 would be likely to persist.
23. In relation to Sole Farm Cottage, Stone Hill Close⁶, whilst due to the limited information before me it is not possible to be definitive on this point, it appears from the plans provided that the bungalows proposed in that scheme were set-back from the rear boundary of the site to a greater extent than is the case with the appeal proposal. As such, it has not been demonstrated that this example is directly comparable with the appeal proposal, and it does not change my findings as a result.
24. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 5, with particular regard to outlook. The proposal would conflict with part 2. of Policy ENV22 of the Local Plan which provides that, amongst other things, where the principle of proposed development accords with the other policies of the Local Plan a design and layout will be required which does not significantly harm the amenities of the occupiers of neighbouring properties by reason of its overpowering effect.
25. The proposal would also conflict with paragraph 130 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

⁶ MO/2021/0488

Other Matters

26. It is common ground between the main parties that, as the Council is not meeting its 5-year housing land supply, paragraph 11 d) ii. of the Framework is engaged. As such, I would consider the most important policies out-of-date and apply the requirement that planning permission should be granted for the proposal 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.
27. In this regard, the Council have stated that they can currently only demonstrate 2.9 years of housing land supply. Additionally, the Council's most recent Housing Delivery Test result is 70%, below the 75% benchmark. This is clearly a significant shortfall, which has persisted for some time.
28. The proposal would provide one new dwelling in an established and accessible residential area, on a previously-developed site, thereby contributing to both addressing this shortfall and to supporting the Government's objective of significantly boosting the supply of homes which is advocated by paragraph 60 of the Framework. Furthermore, in terms of housing mix, as a 2-bedroom dwelling, the proposal would accord with part 2. of Policy CS3 of the Core Strategy.
29. However, whilst the proposal would, in principle, make an efficient use of land, this benefit is tempered by the concerns raised on the first main issue, taking account of paragraph 124 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places.
30. The future occupiers of the proposed new dwelling would likely contribute to both the local economy and the social life of the area. It has been suggested that the proposed new dwelling would offer high levels of insulation, solar panels, and potentially an air source heat pump could be installed. Nevertheless, few details have been provided to quantify the environmental benefits that would accrue from these features, if they were installed. In any event, a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources is required by part 1. c. of Policy CS19 of the Core Strategy, and it has not been suggested that any renewable energy solutions (which could be required by condition) would exceed this requirement.
31. Reference has been made to the potential for the proposal to free up a larger house elsewhere, but no mechanism has been submitted to secure this benefit, which limits the weight which can be given to this matter.
32. I have had regard to the Housing Delivery Test Action Plan 2021 and the Five-Year Housing Land Supply Annual Review: 2022 to 2027, and I note the appellant's point regarding the need to maximise housing through so-called windfall sites. This is encouraged by paragraph 69 c) of the Framework, and therefore is a matter which I attach weight to in my consideration of this appeal.
33. Although the Council's shortfall is significant, the proposal for one new dwelling would provide only a minimal contribution in addressing it. Additionally,

whether the Council's strategy for dealing with the shortfall is robust and verified or not is a matter which relates to wider forward-planning considerations which are not directly before me. Similarly, the fact that the Council has areas within its boundaries which fall within the Green Belt is not of direct relevance to this appeal. Rather, this appeal concerns an individual proposal which I must assess on its own merits on the basis of the specific evidence pertaining to it. Considering all of the above, the provision of one new dwelling would not amount to significant weight in favour of the proposal.

34. All the benefits mentioned above offer modest support for the proposal, when considered collectively. Accordingly, I have given these moderate weight.
35. The proposed development would conflict with the fundamental aim to create high quality places, as required by paragraph 126 of the Framework, and it would result in harm to the living conditions of the occupiers of No 5. It follows that the combined planning harm arising from the proposal would be very substantial.
36. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not benefit from the presumption in favour of sustainable development, as detailed in paragraph 11 of the Framework.

Conclusion

37. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR