



Appeal Decision

Site visit made on 15 August 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/C3620/W/23/3316284

Fir Tree Lodge, Fir Tree Road, Leatherhead, Surrey KT22 8RF

- 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 Jeremy Williams against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1465/PLA, dated 18 August 2022, was refused by notice dated 13 October 2022.
 - The development proposed is division of plot and construction of new three bedroom house with new access off Reigate Road.
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Decision

1. The appeal is allowed and planning permission is granted for division of plot and construction of new three bedroom house with new access off Reigate Road at Fir Tree Lodge, Fir Tree Road, Leatherhead, Surrey, KT22 8RF in accordance with the terms of the application, Ref MO/2022/1465/PLA, dated 18 August 2022, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers of Fir Tree Lodge and Lloyd Harbour, with particular reference to outlook and the perception of loss of privacy.

Reasons

Character and appearance

3. Reigate Road is predominantly residential in character. The opposite side of the road is characterised by detached dwellings in large plots. The appeal site's side of the road is more diverse, featuring a variety of detached, semi-detached and terraced properties set back from the highway with car parking and gardens to the front. As a result, properties on this side of the road are positioned closer together than those on the opposite side of the road. There is variation in the design of properties on this side of the road. This includes some variation in roof forms, facing materials, architectural detailing and the scale of properties.

4. The site levels drop to the rear of Fir Tree Lodge. This combined with the proposal's hipped roof, low eaves height and dormer windows which reduce its overall scale and massing, ensure that it would appear subservient to Fir Tree Lodge, when viewed from the corner of Fir Tree Lane and along Reigate Road. Nor would the proposal appear bulky or overly tall in comparison to the neighbouring properties on Reigate Road. Furthermore, the dwelling would have a traditional design, and would be constructed using a mixture of traditional materials. Consequently, I find that the new dwelling would be finished in a style that would complement the existing housing nearby.
5. Paved parking areas to the front of properties are characteristic of this part of Reigate Road, and a number of properties within this stretch of the road have hardstanding providing space for two vehicles to park side by side. Hedging on the site's front boundary would be removed to make way for the development. However, there are other examples of the properties, such as No 26, immediately adjoining the appeal site, which do not have mature planting along front boundaries. As a result, I do not consider that this would be a particularly uncharacteristic feature.
6. The proposal would project forward of the main frontages of properties on Reigate Road and so would be closer to the public footway and road. The submitted drawings show that the proposal's front elevation would be set slightly further from the road than the lengthy side elevation and garage of Fir Tree Lodge. This would ensure an appropriate visual transition between the properties, and in view of my findings on the design of the proposal, this element would not prove to be harmful in visual terms.
7. The proposal would involve the removal of a limited number of trees and hedging. However, the submitted drawings indicate new hedge and shrub planting within the site and to create the new boundary with Fir Tree Lodge. This would soften the proposal's visual impact and prevent it from having an overly urbanising effect.
8. Interested parties have highlighted that there is an extant planning permission¹ involving extensions to the rear of Fir Tree Lodge. The appellant states, and it is not disputed by the Council, that the distance from the existing rear elevation of Fir Tree Lodge to the proposal's side elevation is almost 20 metres. Having reviewed drawings of that extant permission, I am satisfied that in the event that the extension is constructed, a sufficient gap would be maintained to ensure a sense of spaciousness between the properties.
9. Notwithstanding this, the proposal would have a noticeably truncated rear garden, and it would have fairly small gaps between the dwelling's side elevations and both of the site's side boundaries. Overall, the new plot would be smaller than the plots of any of the nearby neighbouring properties on Reigate Road. As a result, the development would appear cramped in the context of the prevailing pattern of development on Reigate Road. This would be to the detriment of the character and appearance of the area.
10. The aforementioned harm would be restricted to the immediate section of Reigate Road. However, the proposed dwelling would nevertheless result in some limited harm to the character and appearance of the area and in this regard it would be contrary to Policy CS14 of the Mole Valley Core Strategy

¹ MO/2022/0958

(2009) (MVCS) and Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (2000) (MVLN). Amongst other aims, these policies seek to ensure high quality design which does not harm the street scene.

Living conditions

11. Fir Tree Lodge's garage is the closest part of the neighbouring property to the appeal site. It does not contain habitable accommodation which could be adversely affected by the proposal.
12. Fir Tree Lodge has additional ground floor windows within its rear elevation which appear to serve habitable rooms and which would face towards the proposal. Although the proposal would create additional built form which would be visible from these windows, a significant proportion of the appeal site to the front and the rear would remain clear of built form, lessening its impact.
13. Due to the proposal's positioning within the plot, the views from the habitable windows would be directed towards the proposal's rear garden rather than directly onto its side elevation. The land slopes downwards to the rear of Fir Tree Lodge. This, in combination with the proposal's hipped roof, helps further reduce the impact for the neighbouring occupiers. Overall, I find that the proposal would not have a harmful impact on the outlook of the neighbouring occupiers of Fir Tree Lodge.
14. The submitted drawings show that three upper floor windows would face the rear part of Lloyd Harbour's garden. Given the built up nature of Fir Tree Lane, some overlooking of gardens from the upper floor windows of neighbouring properties already exists and is tolerated.
15. Notwithstanding this, the submitted drawings indicate that the three windows would serve two bathrooms and a stairwell, and that each window would be obscure glazed and non-opening below 1.7 metres from floor level. A planning condition could be imposed to ensure that the rear facing windows are installed with obscure glazing and remain as such. This would sufficiently mitigate any direct and perceived loss of privacy to the occupiers of the neighbouring property.
16. For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers of the adjoining dwellings with particular reference to outlook or direct or perceived loss of privacy. The scheme would be compliant with Policy ENV22 of the MVLN which amongst other things, is concerned with design quality and protecting the living conditions of neighbouring occupiers.

Other Matters

17. Concerns have been raised relating to the highway safety implications of additional parking on the highway, and the new access onto Reigate Road. The proposal provides two off-street car parking spaces which I consider sufficient to reduce the likelihood of future occupiers choosing to park on the highway, given the scale of the property. The parking areas would have a turning area which would enable vehicles to enter and leave the site in a forward gear. In the interests of highway safety I have imposed a condition requiring that the vehicular access, including visibility zones, is constructed in accordance with the approved drawings.

18. Concerns in relation to construction traffic, storage of materials and noise have also been raised. I have sympathy for existing occupiers as development of this nature would inevitably give rise to some disruption. However, the works would be time limited and it would not be reasonable to withhold consent on this basis alone.
19. The majority of the site consists of short cut grass land which is likely to have limited ecological value or habitat diversity. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on these matters which was that there would be no unacceptable harm in this respect.
20. Concerns are raised in relation to the proposal providing insufficient information relating to the reduction in carbon emissions, sustainable drainage measures and water efficiency. I have imposed conditions which require the submission of further details in relation to these issues.
21. I understand that applications for similar proposals were refused at Yarm Court Lodge opposite Fir Tree Lodge, and that there may be examples of other similarly refused proposals in the nearby area. I have not been provided further details of the proposals. In any event, I have determined the appeal on its own merits.
22. Concerns have been raised about the impact of the proposal on the living conditions of occupiers of 26, 24A and 24 Reigate Road. However, given the separation distances and the positioning of the proposed dwelling to the side of these neighbouring properties, I do not find harm to the living conditions of neighbouring occupiers.

Planning Balance

23. There is no disagreement between the parties that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The Council confirm that they can only demonstrate 2.9 years of housing land supply. Furthermore, housing delivery is also low and has been less than 75% of the housing requirements over the previous three years. The lack of housing land supply and delivery triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework (the Framework). This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) 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. In the absence of any applicable policies in 11(d)(i), I have assessed the proposal against 11(d)(ii) only.
24. In light of my consideration above, Policy CS14 of the MVCS and Policies ENV22, ENV23 and ENV24 of the MVLP are most important for determining the proposal but would be considered out of date in light of the lack of housing land supply and the provisions of Footnote 7 of the Framework. However, achieving well-designed places is a key aspect of sustainable development identified within the Framework and the requirements of these policies are broadly consistent with the Framework in seeking this. Conflict with these policies therefore carries a reasonably significant amount of weight.

25. Although I have found no harm to the living conditions of neighbouring occupiers as a result of the development, I have identified that there would be some limited harm to the character and appearance of the area as a result of the proximity of the dwelling to the rear and side boundaries which would cause some erosion of the sense of spaciousness and be at odds with the pattern of dwellings fronting Reigate Road. However, this harm would be localised and would be moderated by hedgerow screening which would filter views of the truncated rear garden.
26. In terms of benefits, paragraph 69 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The proposal would provide one additional dwelling which would contribute positively to the housing under-supply and delivery position. Three bedroom dwellings are also encouraged by local development plan policies. The proposal would also result in some economic benefits during the construction period and would be likely to increase footfall and spending at local shops and services. The extent of these benefits is tempered by the small amount of development, but nevertheless I give them moderate weight in the overall planning balance.
27. In the context of paragraph 11(d) of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and is a material consideration that weighs in favour of the proposal. While the development would not fully accord with Policy CS14 of the MVCS and Policies ENV22, ENV23 and ENV24 of the MVLP, I conclude that there are thus material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

28. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG).
29. I have imposed an approved plans condition in the interests of certainty. Details and samples of external materials need to be approved in the interests of the character and appearance of the area. Details of the hard surfacing within the site are required in the interests of character and appearance and to control flooding. However, I have modified both conditions because the details are not required prior to commencement of the development.
30. Details of a surface water drainage scheme are also required to control flooding. The condition requiring details of renewable energy provision is necessary to contribute to the reduction of carbon emissions. Again, I have modified both conditions to require the submission of details and implementation of the approved details prior to occupation because such details are not necessary prior to commencement of development.
31. I have included a condition requiring the provision of electric vehicle charging points to promote low emission vehicles. Conditions requiring the provision of visibility zones to the vehicular access, and requiring the site to be laid out with a parking and turning area are imposed in the interests of highway safety.

Conclusion

32. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1125-01-10/A; 1125-02-13/A; 1125-02-14/A; 1125-02-16/A; 1125-11-16/B; 1125-11-17/B; 1125-12-11/A; 1125-12-12/A; 1125-12-13/A and 1125-12-14/A
- 3) The development hereby permitted shall not be constructed above the damp proof course of the dwelling until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be constructed above the damp proof course of the dwelling until details of the hard surfacing to be used within the site has been submitted to and approved by the local planning authority in writing. 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. The hard surfacing shall be installed in accordance with the approved details prior to the occupation of the development and maintained and retained thereafter.
- 5) The development hereby permitted shall not be constructed above the damp proof course of the dwelling until details demonstrating the reduction of carbon emissions through the predicted energy use of the development by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and all features shall be maintained and retained thereafter.
- 6) No development other than demolition and site clearance, shall take place until details of a surface water drainage scheme has been submitted to and approved by the local planning authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (2023).

The assessment shall provide information related to the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface

water. Where applicable, the details shall include percolation tests, calculations and controlled discharge rates.

The development shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and all features shall be maintained and retained thereafter.

- 7) The development hereby permitted shall not be occupied until details of a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 Connector - 230v AC 32 Amp single phase dedicated supply) have been submitted to and approved in writing by the Local Planning Authority. The fast charge socket shall be installed prior to the occupation of the development and shall be maintained in an operable condition thereafter.
- 8) The development hereby permitted shall not be occupied until the proposed vehicular access to the site has been constructed and provided with visibility zones in accordance with the approved plan (Drawing No. 1125-12-14-RevA). Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.60m high.
- 9) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans (Drawing No. 1125-12-14-RevA) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

END OF SCHEDULE