



Appeal Decision

Site visit made on 16 November 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/C3620/W/23/3322251

49 The Glade, Fetcham, Surrey KT22 9TB

- 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 Amjad Shafiq against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1998/PLA, dated 24 November 2022, was refused by notice dated 18 April 2023.
 - The development proposed is the development of two detached dwellings with associated access, parking and landscape provision, following the demolition of the existing bungalow and its outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. The parties' views on the potential relevance of the changes have been sought. My attention has been drawn to a number of changes including the added emphasis upon the delivery of housing within sustainable locations as well as the importance of high quality, beautiful design. I have determined the appeal in light of the representations made, and the revised Framework.

Main Issues

3. Whilst the decision notice cites three reasons for refusal, given the wider evidence, the main issues are:
 - the effect of the development on the character and appearance of the area, and
 - the effect of the development on the living conditions of the occupiers of No 1 Bushy Road (No 1) with regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal site is located within a residential area, with attractive varied housing types that give the area a pleasant appearance. The dwellings are generally set within large verdant plots that are generously set back from the road. As such, the area also has a spacious verdant character.

5. The existing property is a bungalow with a low profile which is reflective of properties on the adjacent Bushy Road. The property fronts onto The Glade, and has a generous set back from it, consistent with the surrounding pattern of development. The appeal proposal is for the demolition of the existing bungalow and the erection of two detached, two-storey, four-bedroom dwellings. The proposal includes the subdivision of the plot and formation of an additional vehicular access.
6. The depth of the proposed houses is significant which in turn has resulted in a complex, roof design which features flat roof sections together with multiple different pitched roof elements. The modest pitch on the side of the roof slope appears out of proportion with the other pitches on the roof. The large sections of flat roof would also appear incongruous against the pitched roof forms and would be particularly noticeable when viewed from Bushy Road. This would appear unacceptable at odds with the simple pitched roofs which characterise the area.
7. The dormer windows on both proposed dwellings would occupy a large proportion of the roof slope and would therefore appear unduly dominant. This would especially be the case with the dwelling at plot 2 which would have two dormer windows in the roof slope. This aspect of the design of both dwellings would result in an awkward appearance that would have a discordant effect on the pleasant character and appearance of the area.
8. Although visibility of the houses would be limited to localised views, the impact of the proposal would nonetheless be prominent from vantages along adjacent parts of The Glade and Bushy Road where it would appear harmfully out of place and at odds with the street scene.
9. The reduction in width of the plot would be noticeable due to its subdivision. However, the separation distance between the flank elevations and the side boundaries would be only slightly reduced compared with existing. Given this, together with the set back from the frontage, the proposal would not adversely affect the spacious character of the area when viewed from The Glade. Moreover, due to the elevated land levels on Bushy Road, the relative increase in the building height compared with No 1 would appear minimal when viewed from Bushy Road. Therefore, the proposal would not result in a cramped appearance.
10. Notwithstanding the above, given the discordant appearance of the proposed dwellings that would result from the roof form and dormer windows, the scheme as a whole would have an unacceptably detrimental effect on the pleasant character and appearance of the area.
11. Consequently, the proposal would have a detrimental effect on the character and appearance of the area, in conflict with Mole Valley Core Strategy (CS) Policy CS14 together with Mole Valley Local Plan (LP) Policies ENV22 and ENV23 which seek, amongst other matters, to prevent development of a poor-quality design, and require development to respect the appearance of the locality, to normally include pitched roofs. Furthermore, the proposal would conflict with the Framework in this respect.
12. Whilst LP Policy ENV24 is also listed within the first reason for refusal, as the proposal would avoid a cramped appearance, there would be no conflict with this particular policy.

Living conditions

13. No 1 is a bungalow which sits on a different orientation to the appeal site, fronting Bushy Road, with the effect that the rear elevation of the bungalow faces the appeal site. The rear elevation of No 1 contains windows and doors, including a kitchen window. There are several external amenity areas including to the side and rear of the bungalow. There is a sense of enclosure and privacy within the amenity space and the bungalow itself due to the vegetation on and modest separation to its boundaries. Nonetheless, given the low profile of neighbouring houses, the bungalow currently provides a good quality outlook and levels of natural light for its occupiers.
14. The proposal would include the erection of a two-storey house, within close proximity to the boundary with No 1. The depth of the house would extend across the majority of the rear elevation of number 1, together with its rear amenity space. Although I accept that part of the proposed house would be single storey, the two-storey element would nonetheless be of a significant depth. The bulk of the roof form adds to this impact. The presence of a flank wall of the depth and height proposed, would appear oppressive from the rear amenity space as well as the rear rooms. Given the relative proximity to No 1, the proposal would result in an unacceptable sense of enclosure and would restrict the outlook. The modest depth of the rear amenity space to No 1 would further exacerbate this impact.
15. The existing detached garage on the boundary with No 1 would be removed. However, due to the single storey nature of this building, together with its limited scale, it results in a minor sense of enclosure, although not to a harmful degree. Therefore, its removal would not provide any notable benefit such to outweigh or justify the detrimental effect on outlook resulting from the proposed houses.
16. Turning to daylight, there is limited evidence in terms of calculations such to quantify the effect of the proposal on daylight, including on individual rooms. However, the proposed two storey buildings would be located to the south of No 1 where the main source of direct light would come from.
17. I note the plan indicating that the 25-degree Building Research Establishment test would be complied with in relation to the effect of the development on sun and daylight to the rear kitchen window. Nonetheless, this test is guidance only, and given the modest separation between No 1 and proposed plot 2 together with the orientation of the respective properties, I am doubtful as to whether the proposal would avoid a loss of daylight to internal rooms within No 1. Even if I were to accept the findings of this test, this does not demonstrate an acceptable effect in relation to external amenity space or on the amenities of the occupiers of number 1 in terms of outlook.
18. Taking into account the above, the proposal would result in an adverse effect on the occupiers of number 1 Bushy Road, in respect of outlook and daylight. The proposal would therefore conflict with LP Policy ENV22. This policy requires, amongst other matters, that development does not harm the amenities of the occupiers of neighbouring properties by way of overshadowing or an overpowering effect.

Other Matters

19. I note concerns regarding the service provided by the Council. In any event, this does not affect the merits of the proposal itself and as such has not been determinative.
20. Whilst I note previous iterations of the scheme, I have necessarily determined the proposal before me and this has not altered my overall decision.

Planning Balance

21. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. As such, paragraph 11dii of the Framework applies. I note from the submitted evidence that the Council has a supply of 2.9 years and the housing delivery test result is below 75%.
22. The scheme would deliver a single dwelling to the local housing supply. The proposal would therefore make a small contribution towards government's target to significantly boost the supply of homes. The proposal would make effective use of land, and I acknowledge that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The construction of the proposed development would deliver temporary economic benefits. The delivery of an additional dwelling would result in additional spending within the area. Given the scale of the development, the wider public benefits including associated with an increase in housing, social and economic benefits would be modest.
23. The scheme would be acceptable in terms of the housing mix, the standard of accommodation for future occupiers, highway safety and biodiversity. However, the absence of harm in these respects is a neutral matter.
24. The harm identified by way of an adverse effect on the living conditions of neighbouring occupiers, would be significant. Furthermore, I attach significant weight to the detrimental effect on the character and appearance of the area. When assessed against the policies in the Framework taken as a whole, the adverse impacts significantly and demonstrably outweigh the benefits.

Conclusion

25. The proposal would conflict with the development plan as a whole, and there are no other material considerations, including the provision of the Framework, which indicate otherwise. Therefore, for the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR