



Appeal Decision

Site visit made on 4 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/C3620/W/23/3320949

1 Thistle Cottages, Kingston Road, Leatherhead, Surrey KT22 7PF

- 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 John Rands against the decision of Mole Valley District Council.
 - The application Ref MO/2023/0131/PLA, dated 30 January 2023, was refused by notice dated 5 April 2023.
 - The development proposed is the demolition of existing garage and erection of extensions to 1 Thistle Cottages, erection of two new dwellings in garden together with access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of extensions to 1 Thistle Cottages, erection of two new dwellings in garden together with access and parking at 1 Thistle Cottages, Kingston Road, Leatherhead, Surrey KT22 7PF in accordance with the terms of the application, Ref MO/2023/0131/PLA, dated 13 February 2023, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr John Rands against Mole Valley District Council. This application is the subject of a separate decision.

Preliminary Matters

3. 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. I have determined the appeal in light of the representations made, and the revised Framework.
4. My attention has been drawn to two recent approvals, the first relating to the erection of extensions to the host property, 1 Thistle Cottages. The same extensions are proposed as part of the appeal scheme. The second recent approval¹ also includes extensions to the host property, together with the erection of a single new dwelling in the garden.
5. The reasons for refusal as set out on the Council's decision notice relating to this appeal regard the effect of the proposed dwellings, rather than the extensions to the host property. These factors are reflected in the main issues which are set out below.

¹ MO/2023/0698

Main Issues

6. The main issues are:

- a. the effect of the proposed dwellings on the character and appearance of the area;
- b. the effect of the proposed dwellings on the living conditions of the occupiers of numbers 1 and 2 Thistle Cottages, with regard to privacy and outlook; and
- c. whether the development would provide sufficient off-street parking for the proposed dwellings, and the effect on users of the highway and residents.

Reasons

Character and appearance

7. The appeal site is located to the rear of properties fronting onto Kingston Road. The site is part of a cluster of relatively modest dwellings which sit in a backland location amongst residential gardens. The appeal property comprises a semi-detached dwelling set within a relatively large garden. There is an existing pedestrian access to the site from Kingston Road which is narrow in width and enclosed by the boundary treatments to neighbouring gardens.
8. The proposal would include the sub-division of the site to provide two additional dwellings, together with extensions to the existing property. The proposal would result in a significant increase in built form; however, the size of the proposed dwellings would be mostly consistent with their immediate context, which sees small clusters of buildings located on the land behind the Kingston Road frontage. Each of the proposed dwellings, as well as the host dwelling, would retain an appropriate level of amenity space around them, in general accordance with the plot sizes of other dwellings within this backland location. The proposal would introduce an active frontage onto the adjacent car park, therefore increasing natural surveillance in this area.
9. There would be some increase in the sense of enclosure on approach to the site on foot from Kingston Road, resulting from the increase in built form near the narrow footpath. However, the position of the proposed dwellings within their plots would retain an appropriate level of separation to the footpath and would therefore minimise the effect. In addition, there would be soft landscaping along the rear boundaries of the proposed dwellings adjacent to the footpath. As such, given the existing sense of enclosure that already exists, the effect in this regard would be acceptable.
10. Reference is made by the Council to a conflict with a 15m separation guideline. Although I accept that the distance between the proposed dwellings and the host property would be less than this figure, it is unclear whether the guideline is set out in any relevant policy or guidance document, or indeed the purpose of the guideline. As such, this has not altered my findings above.
11. It is noted that the general appearance of the proposed dwellings is acceptable to the Council and having regard to the varied architecture in the vicinity of the site, I find no reason to disagree.
12. I therefore consider the proposed dwellings would be acceptable in terms of character and appearance, such to accord with Mole Valley Core Strategy policy

CS14, Local Plan (LP) policies ENV22, ENV23 and ENV24 and the Framework, insofar as they relate to character and appearance. These policies, amongst other matters, seek to prevent development of a poor-quality design, or where it would result in a cramped appearance, whilst making the best use of land available, and require development to respect the appearance of the locality.

Living conditions

13. No 1 and 2 Thistle Cottages are modest semi-detached two-storey properties, which are accessible on foot via the narrow footpath leading to Kingston Road. No 1 Thistle Cottages forms part of the appeal site and would be extended at ground and first floor to the side as part of the appeal scheme. No 2 Thistle Cottages is set slightly further away from the appeal site than No 1, although it nonetheless sits in relatively close proximity. Both properties currently have windows at ground and first floor level in the southern elevation with views across the garden serving No 1 Thistle Cottages. Both properties currently benefit from an open aspect from the southern elevation windows across the appeal site and neighbouring gardens. There is some inter visibility between No 1 and 2 Thistle Cottages and neighbouring first floor windows, although this is fairly typical of such residential locations.
14. The proposed plot 1 would be positioned closest to No 1 and 2, with its flank elevation facing the existing properties. The only window in No 1 on the facing flank elevation would be a non-habitable, first floor landing window. The position of Plot 1 would be off set from No 1 and 2, positioned closer to the boundary with the adjacent car park.
15. The sole habitable room proposed within the extended No 1 Thistle Cottages, with a direct view towards the proposed dwellings would be the ground floor living room which would be close to Plot 1. This room would have large windows on two elevations. The off-set position of Plot 1 would result in the outlook from the southern ground floor living room of No 1 Thistle Cottages being partially obscured, however, the majority of the window would retain a good outlook. Furthermore, given the availability of an additional large window the effect on the outlook of this room for the occupiers would be acceptable and the proposed dwellings would not appear unduly prominent.
16. It is noted that the Council's evidence also raises concern in respect of the effect on a first-floor master bedroom, however, this appears to be based upon the existing floor plan for No 1 Thistle Cottages. There are no first-floor windows proposed to habitable rooms on the facing (southern) elevation of No 1 Thistle Cottages, therefore the proposed boundary treatments would be sufficient to prevent a harmful effect by way of intervisibility. The proposal would result in oblique views from the upper floor south facing window in No 2 Thistle Cottages towards the rear facing first floor window in Plot 1. However, the separation distance, given the oblique angle, would be sufficient to avoid a harmful level of intervisibility, and such to preserve the privacy of the occupiers of No 2 Thistle Cottages.
17. Concerns have also been raised in respect of overlooking of 3 Thistle Cottages, Homelea and 38 Fairs Road together with the nearby apartment blocks. In the case of these properties, views from the proposed dwellings would be at an oblique angle and there would be a good separation distance between them. As such, whilst some oblique views would be possible, given the built-up

residential location such inter visibility would be consistent with the surrounding pattern of development and would not be harmful.

18. Having regard to the above, the proposal would therefore avoid any significant adverse effects in terms of the living conditions of No's 1 and 2 Thistle Cottages, with regard to privacy and outlook. The proposal would therefore comply with LP policy ENV22 and advice contained within the Framework, which, insofar as relevant, require development to avoid significant harm to the occupiers of neighbouring properties by reason of overlooking or an overpowering effect; in addition, developments should provide a satisfactory environment for occupiers of the new development.

Off street parking

19. The appeal site is located a modest distance from the town centre of Leatherhead and is within walking distance of a supermarket, the railway station, and local shops. Kingston Road is a busy thoroughfare which is served by regular bus services and where parking restrictions are in force. Parking opportunities on Kingston Road are therefore very limited. The footpath provides access on foot from Kingston Road, there is also vehicular and pedestrian access from Clements Mead to the south. There is a car park immediately adjacent to the appeal site, where there is an existing vehicular access. Clements Mead is a secondary residential road, with several areas of on street parking.
20. Although the site is in an accessible location, including within reasonable walking distance of the railway station, it is a reasonable distance from the town centre and is suburban in character. As the proposed new dwellings would each provide two bedrooms, the parking requirement for each would be 1 + spaces. Note 1 to this guideline states that 'where space permits, it may be appropriate to consider increased provision'. In this case, the Council indicates 2 spaces should be provided for each dwelling, on the basis that the size of the units would enable occupation such to generate 2 cars per household. However, as the parking requirements are based upon the number of bedrooms, this would not appear to clearly justify a need for an increased number of spaces. Moreover, LP Policy MOV5 sets out that the parking standards should be applied as a maximum, therefore provision in excess of 1 space per dwelling, in the absence of justification for increasing the spaces, would conflict with the aims of this policy.
21. Even if I were to accept the Council's position, that the units would generate a likely parking requirement in excess of 1 space per dwelling, the extent of any overspill parking would be very limited given the on-site provision. There is a parking area immediately facing the proposed dwellings, it is unclear whether these spaces are allocated to existing properties, however, beyond this, there appears to be some capacity for on street parking provision on Clements Mead. This was an observation made at one specific time and conditions may change at different days and times.
22. The third reason for refusal alleges that on street parking resulting from the development would result in a potential inconvenience to residential occupiers and users of the highway. Based on my site visit observations, when some on street parking did take place, the road and pavement widths on Clements Mead appeared to be sufficient to accommodate some on street parking, without hindering accessibility for other highway users, including pedestrians and local

residents. Properties along Clements Meads are well set back from the roads, as such it is difficult to see how a limited increase in parking would result in a detrimental effect on the occupiers of neighbouring properties.

23. I therefore find that the proposal would provide sufficient off-street parking for the proposed dwellings and would be acceptable in terms of any effect on users of the highway and residents. The proposal would therefore accord with LP policies MOV2 and MOV5. These policies require development to provide appropriate off-street vehicular parking in accordance with the Surrey County Council Parking Guidelines and to ensure there is appropriate capacity on the transport network and in the vicinity of the development.

Other Matters

24. In addition to the main issues considered above, third parties have raised concerns about a number of other matters. These include the effects on neighbouring occupiers from building noise, increases in cars and pollution, disturbance to wildlife and the inability of existing infrastructure to cope with the increase in residents.
25. Effects from building noise associated with the development would be temporary, and a Construction Transport Management Plan (CTMP) would secure controls to manage the effects on neighbouring occupiers. The increase in cars and pollution associated with a net gain of two dwellings would be relatively modest. There is no substantive evidence before me such to indicate a harmful effect on air quality or in terms of disturbance to wildlife, such that could not be managed through conditions. Under the Community Infrastructure Levy, a mandatory charge would apply which would go towards local infrastructure such to avoid a burden on local services and infrastructure.
26. A potential issue relating to property deeds, and the use of the footpath to Kingston Road has been brought to my attention. This would be a private matter and does not alter the merits of the appeal scheme itself.

Conditions

27. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Framework and the Planning Practice Guidance. I have edited some of the suggested conditions for clarity and enforceability.
28. Conditions to limit the timeframe for implementation (No 1) together with a plan numbers condition (No 2), are required in the interests of certainty. Conditions which secure/require details of the proposed new access (condition 3), a CTMP (condition 4) and the laying out of parking areas (condition 9) are necessary in the interests of highway safety and to safeguard the amenities of neighbouring occupiers in the case of the CTMP. I have amended condition 3 such that the requirements apply to the new dwellings rather than the existing dwelling, this reflects the existing vehicular access and parking in place for the host property. Conditions 3 and 4 are required prior to the commencement of development because they relate to the construction process.
29. A Surface Water Drainage scheme is necessary to reduce surface water run off (condition 5). Details of proposed materials (condition 7) and a hard and soft landscaping scheme (condition 8) are required to safeguard the character and appearance of the area. A scheme to secure the use of decentralised and

renewable or low carbon energy sources (condition 6) to apply to both the existing and proposed dwellings is required in order to comply with Policy CS19, as well as the recent changes to the Framework which require that significant weight be given to energy improvements to existing buildings.

30. A condition to secure electric vehicle charging points is unnecessary, as the installation of electric vehicle charging points is now covered by the Building Regulations.

Conclusion

31. For the reasons given above, I conclude that the development would accord with the development plan as a whole, and material considerations do not indicate a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore allowed.

R Lawrence

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: 2252 – 01, 2252-02, 2252 – 04, 2252 – 07, 2252-08, 2252 – 09, 2252 -10, 2252 – 11, 2252 – 12 and 2252 - 13.
- 3) No construction works within Plots 1 and 2 shall commence unless and until the proposed vehicular access to Clements Mead from Plots 1 and 2 (as labelled on the approved plan 2252 - 04) via the existing public car park has been constructed in accordance with the approved plans. Thereafter the access shall be maintained in accordance with the approved details.
- 4) No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materialsOnly the approved details shall be implemented during the construction of the development.
- 5) The development hereby permitted shall not commence until surface water drainage works have been implemented in full accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be maintained in accordance with the approved details.

- 6) The development hereby approved shall not commence above slab level until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and thereafter retained in operation.
- 7) The development hereby approved shall not commence above slab level until details and samples of all external facing materials and surfacing have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved sample details.
- 8) The development hereby approved shall not commence above slab level until a scheme of hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme details shall include:
 - i) details of all existing trees, hedges and blocks of landscaping on the site and indicate whether they are to be retained or removed;
 - ii) details of proposed planting to include a planting specification;
 - iii) means of enclosure, boundary treatments and retaining structures;
 - iv) a programme of implementation; and
 - v) a 5-year management plan

The approved soft landscaping works shall be carried out in accordance with the approved details and in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner.

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.

All approved hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the development or the completion of the development, whichever is the sooner.

- 9) The dwellings and extensions 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. Thereafter the parking areas shall be retained and maintained for their designated purpose.