



Appeal Decision

Site visit made on 4 March 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Appeal Ref: APP/C3620/W/23/3328394

Bechwood, Boxhill Road, Boxhill, Surrey KT20 7JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Signature Living Group Ltd against the decision of Mole Valley District Council (MVDC)
 - The application Ref is MO/2023/0168/PLA.
 - The development proposed is demolition of existing dwelling and the erection of 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023 the Government published a revised National Planning Policy Framework (the NPPF) and the 2022 Housing Delivery Test (the HDT). I have referred to relevant updated NPPF paragraph or footnote numbers.
3. At my request, the main parties were given opportunity to comment on a meaning of infilling, limited infilling, previously developed land and frontage for the purposes of the development plan¹ and the NPPF. I also asked MVDC to provide what it considers to be its current housing land supply position and as well it referred to the HDT. The appellant was given an opportunity to comment on these matters. I have taken comments received into account in determining the appeal.

Background and Main Issue

4. The appeal site includes a large, detached chalet bungalow 'Bechwood' and some outbuildings in a wide, long landscaped and treed garden plot. It is located inside the development plan defined boundary of Boxhill, designated as a 'small rural village' within the Green Belt. The bungalow and outbuildings would be demolished and the site redeveloped with 5 detached dwellings. Considering saved LP Policy RUD1 and CS Policies CS1(2) and CS2(3), as well as the exception at NPPF paragraph 154 e) for limited infilling in villages, it is common ground that the proposal would not be inappropriate development in the Green Belt. I therefore have no reason to find otherwise and as such the proposal would cause no harm to the Green Belt.
5. On this basis, the main issue in this appeal is the effect of the proposal on the character or appearance of the area.

¹ Saved policies of the Mole Valley Local Plan 2000 (the LP) and the Mole Valley Core Strategy 2009 (the CS)

Reasons

6. Bechwood faces Boxhill Road as do most dwellings along the north side and immediate stretch of this road. Together with Ashurst Drive and Headley Heath Approach these three roads form a large triangular shaped parcel of land. Here, mainly bungalows, chalet bungalows or one and a half storey houses are in linear frontages of generally long and some wide, spacious landscaped or well treed rectangular plots. This layout and arrangement of housing is locally distinctive and forms the majority of housing inside Boxhill village boundary. Housing beyond it is, by and large, noticeably different in siting, type or layout. Due to topography, intervening development or tree cover most of it has no visual or spatial relationship to the site.
7. The tall vertical elevations above ground floor windows, high eaves levels and wide rear gable of the one and a half storey dwelling on plot 1 would give it appreciable bulk overall; including in the rear elevation facing Boxhill Road in closer proximity to it than Bechwood or the dwellings either side of the site. Although behind a hedgerow, the rear garden would border the back edge of the pavement across almost half the width of this front part of the site. Though further set back than the dwelling on plot 1, the virtually two storey house on plot 2 would be sideways on to Boxhill Road. Albeit narrower than the front elevation of Bechwood (with its tall but sloping front roof and large box dormer at the rear) the side elevation of this dwelling would have appreciable vertical scale, massing and bulk of built form at a high level much closer to this road. As a result, despite the frontage position of the plot 1 and 2 dwellings in relation to Boxhill Road, they would be out of kilter with the prevailing orientation of dwellings or rear gardens in this part and side of this road.
8. Rear garden space on plot 3 would be adequate in shape and area for a 3 bedroom dwelling. However, the plot 2 and 3 dwellings, and intervening garages, would have an in-line layout with each other as opposed to the more spacious, staggered siting of the plot 1 and 2 or plot 4 and 5 dwellings. Though a low density of development across the site overall, the plot 3 garden would be smaller than the other proposed gardens and broadly square in shape, not rectangular. The dwelling and garage footprint would take up a large part of it, so this built form be overly tight to boundaries. This would give a more pronounced, overdeveloped feel to this part of the site.
9. These aspects of the proposal would not, therefore, respect important features of Bechwood and the site or the most relevant residential development near it. At least the upper parts of the dwellings on plot 1 and 2 would be apparent in the streetscene in public views from both directions along Boxhill Road, over site or garden hedgerow boundaries and between trees or through the gap at the cul-de-sac junction. The absence of public appreciation of the dwelling and garden on plot 3, greater visual intrusion of the development on plots 1 and 2 (and plots 4 and 5) or public objection to the proposal does not justify or overcome innate incompatibility. Though scattered across parts of the site, the outbuildings are single storey structures so removal of them would not individually or collectively offset the impacts outlined above.
10. Residential infill development elsewhere in the defined village boundary north of Boxhill Road includes the dwelling on the east side of the site. In the present context this plot is relatively small in area but one of only a few similar such

exceptions. The dwelling otherwise faces the road and the plot is a narrow, long rectangular shape.

11. The chalet bungalow and bungalow in Woodlands Park cul-de-sac along the Boxhill Road frontage to the west are sideways on to this road. However, these parts of these dwellings do not have the same vertical scale and massing as would the rear elevation of the plot 1 dwelling or the side elevation of the plot 2 dwelling. While the plots of both bungalows run off to one side, next to Boxhill Road, there are rear gardens behind which do not directly face the road, in contrast to plot 1. While some of the gardens are squarer in shape the smallest do not border the site and most are notably larger in area than plot 3. Woodlands Park forms part of a tighter cluster of residential development in this corner of the junction of Boxhill Road with the dwellings along the east side of Headley Heath Approach. In contrast, the site is in a more sparsely developed, more open pocket of treed land.
12. South of Boxhill Road, in the defined village boundary, includes the recently permitted cul-de-sac of 5 dwellings at Byways. One of the frontage one and a half storey dwellings is side on to Boxhill Road with a tall ridge height. But it has much lower eaves levels facing Boxhill Road than the dwelling on plot 2, so significantly less vertical scale and massing of built form in the side facing gable. Byways also has more in common with the context of similar, more intensively developed dwellings next to it in Underwood Close or Devonshire Avenue cul-de-sacs, most of which at the rear lie outside of the defined village boundary. The higher density of residential development at Normandie is due to conversion of an existing large dwelling, so is not unexpected. It retains mostly narrow or rectangular plots with dwellings facing Boxhill Road. I have not been informed about the location of Little Glade or Sunny Bank.
13. Accordingly, although nearby, none of this other development is directly comparable to the site or the proposal. Nor does it set an appropriate context for its redevelopment because of these material differences.
14. Taking account of all the above, I find that the proposal would have an appreciable negative effect on the character and appearance of the area. Consequently, it is contrary to saved LP Policies ENV22, ENV23 and ENV24 and to CS Policy CS14. These policies include that development must respect and enhance the character and appearance of the locality or site setting, have regard to features that contribute in this way, be appropriate to the site in scale and form, not over-develop it or result in a cramped appearance in relation to site boundaries or surrounding development and respect townscape such as street patterns and space around buildings in the locality.

Other Matters

15. Trees on the site are in an area Tree Preservation Order². Some would be removed to facilitate the proposal; mostly towards the rear of the site and mainly small trees or next to side boundaries, including some larger trees. Subject to conditions for implementation of the proposed construction method statement and tree protection measures, the most important trees which make a significant contribution to visual amenity would be retained, especially at the front of the site closest to Boxhill Road.

² TPO/108/1/A, 7 July 1975

16. Boxhill is in a National Landscape³, an area with the highest status of protection in relation to landscape and scenic beauty where great weight is afforded to conserving and enhancing both features. The village is part of a historic settlement pattern amongst lanes in this rural area of high landscape value⁴. Bechwood has no meaningful contribution in these regards and the proposed dwellings would be behind more peripheral development, so have no direct visual or spatial interaction with the wider open countryside beyond. Nor would any of the proposed tree removals, and a condition could ensure new tree planting. The proposal would therefore have no adverse effect on the landscape and scenic beauty of this part of this National Landscape so also conserve these features of it overall.
17. The site is within a zone of influence of the Mole Gap to Reigate Escarpment Special Area of Conservation, a European Site internationally important for its habitat. The proposed increase in residential development and residents, alone or in-combination with other development, would therefore have a likely significant adverse effect on the European Site due to recreational use of it. MVDC did not consult Natural England and the appellant suggested no mitigation.

Planning Balance

18. The emerging MVDC local plan meets the relevant criteria set out in NPPF paragraph 226. On this basis MVDC can demonstrate the requisite four year supply of housing sites against its housing requirement with appropriate buffer (4.4 years), as set out in its most recent published document⁵. This is not disputed by the appellant. However, delivery of housing was below 75% of the housing requirement over the previous three years (58%), so MVDC failed the HDT. In these circumstances by virtue of footnote 8, NPPF paragraph 11 d) is engaged. The starting point is that planning permission should be granted.
19. Under the MVDC development plan the site is previously developed land in an area where infill housing of the sort proposed, along and behind a frontage, is acceptable in principle. A net gain of 4 family sized dwellings would help to meet MVDC housing requirements, including the mix of type and size of all 5 dwellings. The proposal would sustain employment during construction, help support facilities and services in Boxhill and provide MVDC with financial receipts⁶. Subject to conditions the dwellings would incorporate appropriate energy and water efficiency measures and the proposal would not adversely affect protected species. Ecology enhancement at the site would achieve notable biodiversity net gains, including new trees and other landscaping.
20. This would support the Government's objectives in the NPPF of significantly boosting the supply of new homes to meet peoples living needs, make efficient and effective use of a small windfall site that could be built out relatively quickly and support the local economy. It would also help to meet the challenge of climate change and conserve the natural environment. Though important considerations, the relatively small number of dwellings would make a modest contribution in these regards so these social, economic and environmental benefits have moderate weight in favour of the proposal.

³ With effect from 22 November 2023 - in this case, previously known as the Surrey Hills Area of Outstanding Natural Beauty

⁴ Surrey Hills AONB management Plan 2020-2025

⁵ MVDC Housing Land Supply Annual Review 2023, published February 2024

⁶ Council Tax and Community Infrastructure Levy payments

21. Subject to conditions the dwellings would be high quality in design and external materials and provide satisfactory external and internal living conditions for future occupiers. The proposal would not have an unacceptable effect on the living conditions of existing occupiers of nearby dwellings and, subject to conditions, provide suitable drainage and car and cycle parking. Means of access and traffic generation would be acceptable. Nor would it adversely affect the Mole Gap to Reigate Escarpment Site of Special Scientific Interest (the SSSI). MVDC did not object to the proposal for any of these reasons and the absence of harm in these respects is a neutral factor in my decision.
22. On the other hand, certain aspects of the proposal would cause unacceptable harm to the character and appearance of the area. This would undermine relevant MVDC development plan objectives. In light of the housing delivery position reduced weight applies to these policies most important for determining the appeal. Nonetheless, they are broadly consistent with aims of the NPPF to achieve well-designed places; including that development should add to the overall quality of the area, be sympathetic to local character and surrounding built environment and maintain a strong sense of place using the arrangement of streets, building types and layout to create attractive, distinctive places to live.
23. Consequently, notwithstanding the notable scale of deficit, I consider that the support given in the NPPF to delivering housing is not at the expense of ensuring that residential development is suitable in relation to its surroundings as it would otherwise endure for a long time. In my view these important social and environmental considerations have substantial weight against the proposal.
24. In this appeal some policies in the NPPF that protect an area or asset of particular importance (the National Landscape and the SSSI) do not provide a clear reason for refusing planning permission. As the competent authority it would ordinarily be necessary for me to undertake Appropriate Assessment with regard to the European Site⁷. However, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Consequently, the presumption in favour of sustainable development (the 'tilted balance') does not apply in this case. Since I intend to dismiss the appeal, even if the proposal did not harm the nature conservation interests of the European Site, so not adversely affect its integrity, there is no need for me to consider it any further because it would not affect my decision or alter the outcome of the appeal.

Conclusion

25. The proposal does not accord with the development plan overall and conflicts with provisions of the NPPF. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan⁸. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR

⁷ Conservation of Habitats and Species Regulations 2017 (as amended)

⁸ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and NPPF paragraph 12