



Appeal Decisions

Site visit made on 9 April 2024

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 MAY 2024

Appeal A Ref: APP/C3620/W/23/3323386

Meadowbank, 17 Skinners Lane, Ashted, Surrey KT21 2NP

- 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 Miss Rosie Absalom (E.A. Developments Limited) against the decision of Mole Valley District Council.
 - The application Ref is MO/2022/1872/PLA.
 - The development proposed is the erection of two detached two storey dwellings with associated access and landscaping following demolition of the existing coach house.
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Appeal B Ref: APP/C3620/W/23/3330416

Meadowbank, 17 Skinners Lane, Ashted, Surrey KT21 2NP

- 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 E.A. Developments Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0739/PLA.
 - The development proposed is the erection of a single storey detached dwelling with associated access and landscaping following demolition of the existing coach house.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. In respect of Appeal B, I have used the company name in the banner heading above, given that different people within the company have submitted the planning application and the appeal.
4. The appellant has provided an additional Highways Technical Note as a part of their Appeal A submission. The parties have had the opportunity to comment on this information. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content.
5. There are two appeals relating to this site as set out above. Although I have considered each on its individual merits, to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.
6. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. The parties have had the opportunity to comment on this as part of their appeal submissions. I have had regard to the revised Framework and to any comments received in this decision.

Main Issues

7. The main issues are:

- the effect of the proposed development on the character and appearance of the area (Appeal A and Appeal B);
- the effect of the proposed development on highway safety (Appeal A only); and
- whether the proposal would be accessible by transport modes other than the private car (Appeal B only).

Reasons

Character and appearance (Appeal A and Appeal B)

8. 17 Skinners Lane (No 17) is a detached bungalow with roof accommodation and a coach house which occupies a substantial plot that fronts directly onto Skinners Lane. Dwellings are varied in size, type and period and do not follow any regular plot size, which provides the area with an informal, almost jumbled, character.
9. The area within the vicinity of the appeal site is characterised by frontage development, except for 48a and 50a Oakfield Road (Nos 48a and 50a), which back onto No 17's rear garden. Other than these neighbouring properties, any buildings lying behind the frontage dwellings in Skinners Lane, Oakfield Road and Glebe Road are very much of an ancillary nature. The trees within the plots and soft-landscaped frontages provide the road with a leafy, suburban character.
10. In both appeals the proposed plots would be located behind the residential properties facing Skinners Lane, thereby appearing markedly at odds with the prevailing pattern of development in the area, which consists of street frontage development with rear gardens. Although some back-land development has been undertaken nearby, its magnitude is not strongly influencing the character of the area and, as a result, it does not justify the introduction of additional residential plots in this location. As such, the proposals would fail to relate well with its receiving environment.
11. The houses proposed in both appeals would have a traditional design that would reflect the local vernacular. However, in the case of Appeal A, despite the dropped plate roof, the dwellings would be considerably taller and have a greater mass than the host bungalow. In the case of Appeal B, the footprint and scale of the proposed bungalow would be substantial. As such, despite the level changes, due to the scale and size of the houses coupled with the long driveways and inevitable domestic paraphernalia, neither proposal would read as ancillary to the host bungalow. In addition, the scheme under Appeal A in particular would appear overwhelming. Whereas the surrounding dwellings vary in size and distance between one another, this would not overcome the unsympathetic relationship that both proposals would form with the donor bungalow.
12. There is little uniformity within the area in terms of plot size. Still, the plot sub-division proposed in Appeal A would result in two plots with modest rear gardens and limited distance between the dwellings and their boundaries,

thereby creating a less organic pattern of development that would appear cramped and unduly intense for this site. The plot proposed under Appeal B would have a garden size comparable with surrounding properties and the proposed bungalow would have a gap to its boundaries, so it would not appear cramped. Nevertheless, this would not overcome the harm to the character of the area by reason of the proposal's siting. As such, the schemes would fail to sensitively increase the density in the area.

13. Despite the limited views from public vantage points, I do not find that either proposal should be accepted on the basis that it cannot be significantly seen. Indeed, the proposals would result in an incongruous form of development that would be uncharacteristic of the surrounding character and fail to enhance the beauty of the locality. As such, the proposals would not make an efficient use of land.
14. The Arboricultural Report submitted with each appeal indicates that nine trees would be removed to facilitate the proposed developments. Of these, one tree would be Category B and the remaining ones Category C. The loss of these trees would contribute to the proposals' harm to the character of the area. Although a landscape scheme could be secured by planning condition, owing to the scale of the proposed schemes, the provision of new planting would not be sufficient to successfully mitigate the harm that both proposals would cause to the character of the area.
15. I note a previous planning application for three detached dwellings that was refused by the Council and subsequently dismissed at appeal¹. Whereas it may be that both proposals before me comprise less dwellings and have been significantly reduced in bulk and mass from the previous application, as set out above, I find that the proposals would be harmful to the character of the area in their own right. While the Inspector did not consider the plot sub-division objectionable, it does not automatically follow that these proposals would be acceptable. Indeed, the absence of concern in this regard would not overcome the harm to the character of the area arising from the siting of the proposed houses that, in the case of Appeal A, would be compounded by the dwellings' scale and bulk.
16. My attention is drawn to other developments that have been granted elsewhere in the Borough. However, the approved applications at 159 Barnett Wood Lane, 39 Oakfield Road and 13 Skinners Lane do not relate to back-land development and, therefore, would not be directly comparable with the appeal proposals. The approved application at 33 Oakfield Road comprises one dwelling with a street frontage along Greville Park Road, so it would not represent a direct parallel to the schemes before me.
17. One scheme that comprises back-land development is that at 106 Barnett Wood Lane (No 106). However, this area differs in character from Skinners Lane, insofar as Aston Close creates a strong pattern of back-land development. The introduction of Plot 5 as a form of back-land development therefore responds to the arrangement of nearby properties. As such, the development at No 106 would not justify these proposals. I have only been provided with very limited details with regard to the developments approved at 37 and 41 Harriotts Lane, with no specific details of the circumstances and

¹ APP/C3620/W/18/3200548

considerations that led to their approval. As such, I cannot make any meaningful and robust comparison between this proposal and those schemes.

18. Whereas it may be that the sub-division of large plots for the erection of new dwellings has been supported in nearby roads, it does not follow that this scheme would be acceptable. Indeed, I have found that the proposal would appear at odds with the character of the area and, as such, these other permissions elsewhere would not alter my findings regarding the appeal proposals. Furthermore, I have not been provided with compelling evidence to demonstrate that the pattern of development on Skinners Lane has significantly changed in terms of back-land development since the Inspector's decision.
19. Overall, I conclude that the proposed development would be detrimental to the character and appearance of the area, in conflict with Policy CS14 of the Mole Valley Local Development Framework Core Strategy 2009 (CS) and with Policies ENV22 and ENV23 of the Mole Valley Local Plan 2000 (LP), where these policies support development that is appropriate to the site in terms of its scale, form, appearance and respects its setting. The proposal would be contrary to Policies AS-H5 and AS-EN3 of the Ashted Neighbourhood Forum Neighbourhood Development Plan 2015-2026 (2016), which support developments that are designed to have regard to the character of the area. The proposal would fail to accord with the Framework, which supports development that is sympathetic to local character.

Highway safety (Appeal A only)

20. Vehicular and pedestrian access to the site would be via a new driveway off Skinners Lane, located centrally along the site frontage. The existing access would be removed, and the kerb line/footway reinstated. Skinners Lane is subject to a 30mph speed limit.
21. The Highways Technical Note (HTN) submitted with the appeal sets out that a speed survey was undertaken on Skinners Lane in order to ascertain existing traffic speeds and therefore the required visibility splays at the site access. An automatic traffic counter was placed along Skinners Lane during a week in May 2023 and it recorded 85th percentile vehicle speeds below the 30mph speed limit. On this basis, the HTN concludes that the required visibility splays, calculated in accordance with the Manual for Streets 2, can be achieved having regard to existing traffic speeds along Skinners Lane. I have no reason to doubt these findings and have not been provided with evidence to the contrary. As such, the proposed access arrangements can be accommodated without detriment to the safety and operating capacity of the local highway network.
22. In conclusion, the proposal would not have a harmful effect on highway safety, in accordance with Policy MOV2 of the LP, which supports proposals that are compatible with the transport infrastructure. Further, the proposal would accord with the Framework, which supports developments that do not result in unacceptable impacts on highway safety.

Transport modes (Appeal B only)

23. Skinners Lane is a narrow, tortuous lane, with limited and fragmented footpaths. However, the evidence shows that, while travelling by foot, despite having to cross the carriageway, future residents would be able to reach the

nearest public footpath (Footpath 46) that connects to the centre of Ashted using the existing footways. The HTN has found that average vehicle speeds in Skinners Lane were low, at approximately 21mph. As such, I find it unlikely that pedestrian trips from the development would be discouraged by the existing highway network.

24. Given that the proposal is for one dwelling, the associated increase in vehicular and pedestrian traffic would be limited. As such, I find it unlikely that the proposal would further reduce the safety and appeal of existing pedestrian trips.
25. In terms of other means of transportation, the appellant notes that Barnett Wood Lane and Ottways Lane, which are close to the appeal site, are classified as cycle friendly roads. Cycleways towards Leatherhead and Epsom can be found on the A24. Public transport links are available close to the site, such as bus stops and railway station. This would encourage travelling by transport modes other than private car.
26. Drawing all the above together, I conclude that the proposal would be accessible by modes other than the private car, in accordance with Policy MOV2 of the LP, which supports proposals that are compatible with the transport infrastructure. Further, the proposal would accord with the Framework, which supports developments that would not result in unacceptable impacts on highway safety.

Other Matters

27. I note the comment from an interested party with regard to the provision of first floor accommodation in the bungalow's roof (Appeal B). Such accommodation is not part of the proposed plans, however as suggested by the appellant, a suitably worded planning condition removing permitted development rights could be imposed to protect the privacy of adjoining neighbours, were I minded allowing the appeal.

Conclusion

28. The appellant has brought to my attention that the Council has an emerging local plan. In line with paragraph 226 of the Framework, the Council would be required to demonstrate a four-year supply of deliverable sites rather than the minimum of five as set out in paragraph 77 of the Framework. The parties agree that the Council can demonstrate a housing land supply of 2.9 years. The evidence indicates that the Council's latest Housing Delivery Test result is below 75%. As such, the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied.
29. Both schemes would be acceptable in relation to other matters, including highways, landscaping and living conditions of the nearest neighbours. However, these are neutral factors that neither weight for nor against the development.
30. The proposed developments would contribute towards addressing the substantial shortfall in housing supply within the Borough and would support the Government's objective of significantly boosting the supply of homes. Further, energy-efficient homes would be delivered in a location accessible by public transport and close to local services, facilities and recreational areas. The site is a small one, so it could be built out relatively quickly. Ecological

enhancements would be delivered in both cases. There would be some economic benefits accrued from the construction process, as well as longer term expenditure in the local economy. Taken together, these benefits would carry moderate weight in favour of the proposals.

31. On the other hand, both schemes would be harmful to the character and appearance of the area, which attracts substantial weight. Consequently, the adverse impact of the proposed developments would significantly and demonstrably outweigh the moderate benefits of the scheme when assessed against the policies in the Framework taken as a whole.
32. I conclude that the proposals would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken otherwise than in accordance with it. Therefore, both appeals A and B are dismissed.

P Terceiro

INSPECTOR