



Appeal Decision

Site visit made on 15 August 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/C3620/W/23/3334294

Site at 97-99 Povey Cross Road, Hookwood, Surrey

- 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 Aspire LLP against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0598/PLA
 - The development proposed is demolition of existing dwellings and erection of 9 No. dwellings, comprising 6x 4-bed detached, 2x 3-bed semi-detached dwellings and 1x 2-bed chalet bungalow.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 September 2024

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address is taken from the decision notice as this fully and accurately describes the location of the proposed development.
3. A Unilateral Undertaking (UU) has been submitted which includes mechanisms to contribute towards affordable housing. I will return to this matter later in this decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - Whether the proposed development would make adequate provision for affordable housing.
 - The quality of the accommodation for future occupiers with particular regard to privacy and whether the development is overbearing to plot 9.
 - The effect of the proposed development on ecology.

Reasons

Character and appearance

5. This part of Povey Cross Road is characterised by single and two storey detached dwellings in a linear pattern. They have generous mainly soft landscaped front gardens and long rear gardens, creating large plot sizes. This results in a pattern of development with a pleasant sense of openness. The appeal site includes two detached properties fronting Povey Cross Road in long plots with landscaped front gardens, and including a piece of land to the rear of the dwelling at no 95. It therefore makes a positive contribution to the pattern of development described above.
6. There are semi detached properties further along Povey Cross Road, however these are closer to the junction with Reigate Road and away from the appeal site. Cul de sacs with houses that do not front the main roads are found at Malcolm Gardens and Witney Meadows and Forge Close. Planning permission was also granted at Bluebird House for 9 dwellings fronting both Povey Cross Road and Reigate Road. These properties and their plots are generally smaller than the prevailing pattern of development. However, these are located away from the appeal site, closer to the centre of the village. Therefore these features do not form an important part of the character of the appeal site.
7. The Larger Rural Villages Character Appraisal SPD identifies the site as being within the West and South Hookwood area. With mainly residential uses and buildings chiefly strung out along two main roads with a small amount of backland development mainly in the centre of the village. This is broadly in accordance with the findings above. It also acknowledges that to the south, the surrounding area is more urban in character.
8. To the north of the appeal site is an area of commercial character including a superstore, hotel and hospital. In particular, the hotel building is close to the appeal site. Also, on the opposite side of the road is Gatwick Airport, separated by landscaping and commercial uses including a large hotel and a petrol station. This results in a developed character to the surroundings. Nevertheless, these are distinct areas of commercial uses and as such are clearly different from the residential pattern of development that characterises the appeal site and its immediate context.
9. The proposed development would remove the existing detached dwellings and would introduce two detached and two semi detached dwellings fronting Povey Cross Road, four detached dwellings towards the rear of the site and a bungalow sited between these groups. The appeal site would therefore be subdivided into nine plots and would also accommodate an access road.
10. This would result in houses with small curtilages, both shorter and narrower than those nearby, with the modest dwellings close to one another. The proximity of the two semi detached properties would further erode the sense of separation between dwellings. As such, the proximity of the houses and their limited plot sizes would result in a cramped form of development in this context. This would be visually jarring against the spacious pattern of development and harmfully undermine the sense of openness in this area. This would be significantly harmful to the character and appearance of the area.

11. Therefore, the proposed development would have an unacceptable effect on the character and appearance of the area. Consequently, it would be contrary to policies ENV22, ENV23, ENV24 and RUD4 of the Mole Valley Local Plan (2000) and, policy CS14 of the Core Strategy (2009). Together, these require that development respects the character and appearance of the locality, including the space around buildings, scale and setting with particular regard to the village.

Affordable Housing

12. Policy CS4 of the CS requires that for this development a financial contribution equivalent to providing 20% of the number of dwellings is required in order to provide affordable housing in the district. A draft UU has been provided, which seeks to secure a contribution of around £259,000 towards the provision of affordable housing. However, the obligation submitted with this appeal is not signed or dated. As such it is incomplete and could not take effect. Consequently, the appeal scheme would not secure any affordable housing.
13. Therefore the proposed development would not make adequate provision for affordable housing. As such it would be contrary to Policy CS4 of the CS, the aims of which are set out above.

Living Conditions

14. Plot 9 is proposed as a bungalow, with accommodation at roof level served by dormer windows. It would have a garden which wraps around on three sides. Plots 5-8 would have windows to bedrooms at first floor with nos 6 and 7 sited directly to the rear of the proposed bungalow. However, views to and from the ground floor windows and this part of the garden at plot 9 could be mitigated by suitable boundary treatment. Some views from plot 8 towards part of plot 9's garden would remain, however these would be limited.
15. On the other side, plot 4 would have a first floor bedroom window directly to the rear of the proposed bungalow. This room is served by two windows and therefore obscure glazing could be used to prevent overlooking. As a result, there would be no direct views between Plot 4 and Plot 9. For these reasons there would not be a harmful level of actual or perceived overlooking in this location and a suitably private garden space would be provided for plot 9.
16. In terms of any overbearing effect, to the southern side of Plot 9 there would be two storey development in close proximity, however the gaps between the buildings would provide breaks in the built form. To the northern side of plot 9 the development at plots 1-4 would be offset and plot 9 would have a mainly open aspect. Taking this into account along with the height and separation distance there would not be an unacceptably overbearing effect on plot 9.
17. Therefore, the proposed development would result in a suitable quality of accommodation for future occupiers with particular regard to privacy and any overbearing effect to plot 9. Therefore, it would be in accordance with Policy ENV22 of the LP which, amongst other things, requires that development provides a satisfactory environment for occupiers of the new development.

Ecology

18. An Ecological Assessment has been provided, along with further details of the bat survey and methodology at appeal stage. Bats were identified in both

buildings and mitigation and enhancement such as the provision of bat boxes/bat tiles, sensitive building methods and suitable planting and lighting would be required.

19. With regard to Great Crested Newts (GCN), there are ponds nearby that may result in the site being used for foraging/commuting opportunities for GCN. The ecological assessment recommends sensitive timing for certain works along with reasonable avoidance measures during construction and new grassland, hedgerows and log piles.
20. Such mitigation could be secured by condition. Based on the evidence before me, this mitigation would be appropriate and there would not be harm to ecology as a result of the proposed development.
21. Therefore the proposed development would be in accordance with Policy CS15 of the CS and policy ENV15 of the LP. Together, these require that development protects biodiversity and would not harm a protected species or its habitat, amongst other things.

Planning Balance

22. The Council cannot demonstrate a 4 or 5 year supply of deliverable housing sites, and the appellant states that there is a 2.9 year supply. The Written Ministerial Statement Building the homes we need (2024) (WMS) sets out a new method, which incorporates an affordability multiplier and the Proposed reforms to the NPPF and other changes to the planning system, and the National Planning Policy Framework: draft text for consultation (draft Framework) show that this would increase the housing need for Mole Valley. The appellant states that this would result in around a 1.8 year supply. However, this document is in draft and therefore it is unclear as to whether it will be adopted in the form proposed. As such, I afford it limited weight. In any case, paragraph 11 (d) of the National Planning Policy Framework (2023) (Framework) is engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole.
23. The development would provide 9 energy efficient homes in an accessible location with the associated social and economic benefits of this, including temporary economic benefits during construction and the spend from future residents. Part of the site is brownfield land, albeit part is residential garden in a built up area. The proposed development would support the Government's objective to significantly boost the supply of homes and, in part, to use suitable brownfield land within settlements. These objectives are emphasised in the WMS. They are also included in the draft Framework, however for the reasons above, I afford this limited weight. Nevertheless, taking into account the scale of the appeal scheme these are important but modest benefits.
24. Landscaping proposals also indicate that there would be new hedgerow, tree and shrub planting. Details of soft landscaping would be secured by condition, and therefore given the lack of certainty at this stage any benefits in this regard would be minor. The provision of adequate living conditions for future occupiers, including with regard to internal and external space is a neutral factor and does not weigh in favour of the scheme. Taking all the above into

account the benefits associated with the proposed development would be modest.

25. On the other hand, the appeal scheme would result in significant harm to the character and appearance of the area, and would not therefore create a high quality place which is fundamental to what the planning and development process should achieve. Nor would it secure affordable housing and would not therefore support the Framework's aim to address the needs of groups with specific housing requirements. Taken together, these multiple adverse effects would be significant.
26. As such, even considering the lowest housing land supply presented, these significant adverse effects would therefore significantly and demonstrably outweigh the modest benefits set out above. Therefore, the presumption in favour of sustainable development would not apply in this case.

Conclusion

27. The proposal conflicts with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR