



Appeal Decision

Site visit made on 4 September 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 OCTOBER 2024

Appeal Ref: APP/C3620/W/24/3338736

148 & Land to the rear of 142-156 Cobham Road, Fetcham, Leatherhead, Surrey KT22 9JR

- 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 Mr Robert Bilson (Airborne Properties Ltd) against the decision of Mole Valley District Council.
 - The application reference is MO/2023/1808/PLA.
 - The development proposed is the erection of 5 no. three-bedroom detached bungalows each with two parking spaces accessed from new private access drive leading off Cobham Road, following demolition of existing bungalow at No 148.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation", alongside a Written Ministerial Statement (WMS) entitled "Building the homes we need". I have had regard to these as material considerations, albeit noting the Framework text is in draft and subject to change, which limits the weight to be afforded to it at this stage.
3. The Council advises that its emerging Local Plan (eLP) was originally submitted as a Regulation 19 draft in February 2022 but later paused in response to the Government's announcements on reforms to the planning system in December 2022. Following the publication of the December 2023 iteration of the Framework, the Council voted to proceed with the eLP. The Council has now completed consultation on Main Modifications and considers that significant weight can be afforded to the eLP. It has provided policies to which I have had regard as material considerations.

Main Issues

4. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants, with respect to noise, disturbance and outlook.

Reasons

Character and Appearance

5. The appeal site comprises the dwelling at 148 Cobham Road and the rear parts of the gardens of seven neighbouring dwellings between Nos 142 and

156. No 148 would be demolished to create access to a development of five, three bedroom bungalows across the amalgamated parts of the eight gardens.
6. This part of Cobham Road is characterised by detached bungalows set on deep, narrow plots which address the street in a strong linear pattern. The depths of the plots mean generous rear gardens which have reached maturity with tall trees and hedgerows providing not only a pleasant, natural setting, but also considerable screening and separation distances to dwellings behind. As such, the rear gardens display a distinct verdancy and tranquillity which contributes positively to the character and appearance of the area.
 7. These spacious surroundings mean the density of development is relatively low, and Fetcham is, in principle, a suitable location for development given its level of services. However, the evidence before me does not suggest a pattern of backland development within the immediate area. Rather, surrounding streets continue this pattern of narrow, deep plots and generous rear gardens that provide meaningful green corridors between the built form.
 8. The dwelling at No 148 is of little architectural merit in and of itself, but it contributes to the consistent scale and form of the streetscene. That said, its demolition would not have a significantly harmful effect on the streetscene as the gap to be formed would be narrow and the interruption to the built form would be brief.
 9. However, given the surrounding context described above, the proposed backland housing would be an uncharacteristic form of development. The dwellings would create a second line of housing at depth that would not reflect the very consistent and long established pattern of development within the immediate area. Whilst noting the appellant's argument that the dwellings are similarly spaced to those on Cobham Road, the arrangement of the dwellings around a communal access would lend the development an anomalous, estate-type layout that would contrast sharply with the individual nature of the dwellings along Cobham Road and other streets.
 10. Moreover, the dwellings would occupy significantly smaller plots than surrounding properties that would be telling of a much denser form of development. The gardens of the existing dwellings would also be notably foreshortened, exacerbating the interruption to the pattern of development. The shallow depths of the proposed plots would also restrict opportunities for meaningful tree planting, as trees would be located close to the dwellings and concerns over falling branches or leaves, or shading and loss of light, may deter occupants from planting or encourage removal of trees. Consequently, the mature landscaping which spans across the existing gardens and contributes so positively to the area's character would be severely diminished and replaced with significant built form and a more open layout.
 11. This open layout would also be the result of hardstanding to the front of the dwellings for shared vehicular access and parking. Both of these would be prominent in views into the site along the access road, further undermining the verdancy one would expect to see in the backdrop of the dwellings. This would be particularly noticeable from the dwellings surrounding the site, whose natural backdrop would be replaced by close range views of multiple bungalow roofs above the boundary fencing/hedging.

12. My observations are similar to those reached by an Inspector in an appeal in 2008¹ for a development of six dwellings following demolition of No 150. The site in that case was slightly smaller, the gardens of Nos 142, 144 and 146 not being included, and the proposal was for three pairs of two storey dwellings. However, the plans show comparable footprints and overall plot coverage between the semi-detached pairs proposed in 2008 and the bungalows proposed now, and I find in the present case, and concur with my colleague in 2008, that the proposal would yield a cramped, arbitrary form of development unrelated and unresponsive to its surroundings.
13. I have had regard to a number of developments highlighted by the appellant. An appeal at Fir Tree Lodge² is cited but no details are before me. The Council points out that this proposal, for a single dwelling, is not comparable as it would have direct access onto the highway and so would not be backland development in the same sense as the appeal proposal. Similarly, brief reference is made to adjacent dwellings, Cannons and Cannon Lodge, but both of these address Cannon Grove and form part of linear development on that street. I do not regard these examples as comparable, therefore.
14. Other planning permissions are cited by the appellant, albeit in relation to the size of access to be provided, rather than character and appearance. The evidence is also limited to a list of particulars and site plans for each development. I do not have sufficient information as to the site contexts for these developments to ascertain if they are comparable to the appeal before me in terms of the assessment of effects on character and appearance. Consequently, none of these examples alters my findings above in respect of the appeal scheme, which I have considered on its own planning merits.
15. For the reasons set out, I conclude that the proposal would cause significant harm to the character and appearance of the area. This would conflict with Policy CS14 of the Core Strategy (October 2009) (the CS) and Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (October 2000) (the MVLP) which together require development to respect and enhance the character of the area; to have regard to attractive features of the site such as trees and hedges and to respect setting and street patterns; and to resist development that would result in a cramped appearance, having regard to the general space around buildings in the locality. There would also be conflict with the similar requirements of draft Policy EN4 of the eLP for high quality design and a positive contribution to local character.

Neighbours' Living Conditions

Noise and Disturbance

16. Parking spaces to Plots 1 and 5 would be located directly to the rear of Nos 144 and 152 Cobham Road. Use of these spaces would generate some audible noise from car doors opening and closing and engines starting and revving. At night, light from headlights may be noticeable to residents of adjacent dwellings, though this is likely to occur more from the spaces serving Plots 3 and 4 as these face towards the dwellings on Cobham Road, rather than parallel to them. The Council also raises the issue of disturbance to occupants

¹ Appeal Ref APP/C3620/A/08/2074350, dismissed 20 November 2008

² Appeal Ref APP/C3620/W/23/3316284

of Nos 146 and 150 from vehicles travelling along the access road that would run down the sides of these dwellings.

17. The dwellings would be separated by fencing, which is likely to screen direct light from car headlights. The creation of five dwellings would inevitably generate traffic and a level of activity to the rear of existing properties that does not exist at present. However, the scale of the development is relatively small, and consequently the level of traffic would not be constant. As such, the noise experienced by neighbouring residents would be intermittent, brief and low level and I am satisfied that noise from vehicles would not, in and of itself, cause demonstrable harm to the living conditions of neighbouring occupants.

Outlook

18. The dwelling on Plot 5 would stand close to the boundary with Cannon Lodge, a chalet bungalow. I have addressed the adverse effects on the vistas experienced by neighbouring occupants in discussing character and appearance above. In respect of outlook, and the Council's specific concern with overbearing, the dwelling on Plot 5 would be set in from the boundary by some five metres. This separation, combined with its low eaves height and hipped roof shape, means it would not increase massing directly on the boundary with Cannon Lodge and I am satisfied that it would not lead to a harmful sense of enclosure for neighbours when in their rear garden. Moreover, the nearest facing wall of Cannon Lodge has a door but no windows and the dwelling would not form a dominant feature in views from within the dwelling that would materially harm levels of outlook, or indeed light.
19. I have the effects on other surrounding dwellings, and noted comments made from neighbouring occupants. From my own observations on site, I am satisfied that the separation distances and orientation of the proposed bungalows to neighbouring dwellings would not give rise to harmful loss of outlook through increased overbearing or sense of enclosure.

Conclusions

20. For the stated reasons, I find that the proposal would not cause demonstrable harm to the living conditions of neighbouring occupants. No conflict therefore arises with Policies ENV22 and ENV23 of the MVLP in terms of their requirements that developments do not significantly harm the amenities of the occupiers of neighbouring properties, including by reason of scale, height or bulk or in relation to the boundaries of the site and/or surrounding developments. Nor would there be conflict with the similar protections of draft Policy EN4 of the eLP. The Council also cites conflict with Policy CS14 of the CS, but this makes no direct reference to neighbours' living conditions.

Other Matters

21. I note concerns raised about access and parking provision but have I do not have substantive evidence to counter the conclusions of the local highway authority that the proposal would provide sufficient levels of parking and safe access and egress, including for large refuse vehicles. I saw Cobham Road to be lightly trafficked at the time of my visit with good visibility and on-street parking availability. As such, these matters do not weigh against the proposal.
22. The Council has not opposed the proposal in respect of any other matter, including neighbours' privacy, the standard of accommodation to be provided,

biodiversity, arboriculture, sustainable construction techniques, flood risk and drainage. On the evidence before me, I have no compelling reasons to conclude otherwise in these matters. An absence of harm in these respects means they are neutral considerations in the overall balance.

Planning Balance and Conclusion

23. At the time of its decision, the Council conceded that it could not demonstrate a five year supply of deliverable housing sites, with supply given at 2.9 years. At appeal, the Council has provided an updated housing land supply position as of February 2024 where it sets out that, pursuant to the December 2023 Framework, it is required to demonstrate a four year supply of housing, on the basis that it has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 stage. The Council states that it can demonstrate a 4.4 year supply against a four year requirement. The appellant has not challenged this position. However, the Council concedes that its latest Housing Delivery Test result is 58%. Therefore, notwithstanding the Council's claimed housing land supply, the test at Paragraph 11(d)(ii) of the Framework is still engaged.
24. The proposal would provide a new housing development in an accessible location at a time of a shortfall in the Council's rate of housing delivery against its targets. This would align with the key aim of the Framework of boosting the supply of housing nationally, an aim given further importance and impetus in the recent WMS, as well as encouraging uptake of sustainable transport. This is a benefit weighing strongly in favour of the proposal in the circumstances.
25. Economic benefits would accrue from trade and employment during construction of the development and subsequently from engagement by future residents in the local economy. However, in view of the scale of the proposal, these are benefits of limited weight.
26. Set against this, the development would cause significant harm to the character and appearance of the area. This results in conflict with several policies of the development plan, which are consistent with the expectations of high quality design expressed in the Framework. Consequently, I afford very significant weight to these conflicts.
27. The benefits of the proposal, taken together, are considerable in the circumstances. However, in the context of paragraph 11, I find that the adverse impacts associated with granting planning permission would significantly and demonstrably outweigh the benefits, when considered against the policies of the Framework, taken as a whole.
28. Consequently, the Framework, as a material consideration, does not indicate that permission should be forthcoming, and there are no other material considerations that would justify a decision being made other than in accordance with the development plan.
29. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR