



Appeal Decision

Site visit made on 14 January 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 JANUARY 2025

Appeal Ref: APP/C3620/W/24/3353779

37 Kingston Road, Leatherhead, Surrey KT22 7SL

- 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 Naib Aulakh of NAB Group Engineering Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0267.
 - The development proposed is described as the erection of a four storey building comprising of 9 No. flats, with new access off Kingston Road and parking area to the rear.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a four storey building comprising of 9 No. flats, with new access off Kingston Road and parking area to the rear at 37 Kingston Road, Leatherhead, Surrey KT22 7SL in accordance with the terms of the application, Ref MO/2023/0267, and the plans submitted with it.

Preliminary Matters

2. The appellant has indicated that the development, subject to this appeal, follows an approved outline scheme¹ that was implemented without discharging all of the pre-commencement conditions. At the time of my site visit, a development was in situ and substantially complete, although the final form differs to the approved under the original permission. As such, this appeal is therefore being considered retrospectively and for the avoidance of doubt, I have determined the appeal based on the proposed plans before me.
3. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon the latter description for the purposes of the heading above and paragraph 1 of my Decision.
4. Since the Council issued its decision on the planning application, the new Mole Valley Local Plan (MVLP) 2020-2039 has been adopted on 15 October 2024. As such, I have taken it into account in my decision. In regard to this appeal the Council have clarified the relevant MVLP policies are S1, H1, H2, H9, H10, EN4, EN8 and EN13. The appellant has had the opportunity to comment on these new policies.

¹ Mole Valley Planning Ref: MO/2019/0024

5. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. There are no changes that are material to the scheme before me, thus no further comments were sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

7. The surrounding area is mixed-use with residential, office and commercial uses located in close proximity to each other. There is a distinct variation in the architecture within the area, with buildings varying in height between two and four storeys whilst also incorporating a varied palette of materials. The appeal site consists of a four storey (albeit there is an additional storey at the lower ground floor) flatted development, located on the western side of Kingston Road (A245). It occupies a corner position and provides a highly focal development, particularly as one enters the more commercial area of Kings Court at the rear of the site. As a result, there are significant views from public vantage points, providing a prominent building.
8. The scheme has sought to reference the materiality in the local area, through the use of brick and render, and has further incorporated local design features to provide a traditional appearance, albeit in more contemporary materials. Given this treatment, and despite its conspicuous location, its design provides a successful addition within the surrounding area.
9. It is acknowledged that the present building has a large crown roof, punctuated with dormer windows, thus increasing the bulk and mass of the development at roof level. This is further emphasised by the higher eaves level when compared to the adjoining property at No 35 Kingston Road. However, given its corner location, the increase in bulk is coherent in the streetscene, providing a stepped bookend arrangement from the more modest properties to the south of the site.
10. The mass, scale, design and layout of the scheme is representative of the larger buildings that exist in the area, adjoining the A245, which I noted on my site observations. The building appears proportional in the vicinity and thus comparable with the existing properties, which include Opus Court, Kings Court, the Berkley Homes building and the Churchills Retirement property, amongst others. Consequently, the scheme subject to this appeal does not appear overly dominant, cluttered or out of keeping in that regard.
11. Given the location and relationship with other development nearby, the scheme has satisfactorily integrated into its surroundings. Accordingly, the building does not have an adverse impact on the character and appearance of the area and would accord with the requirements of policies ST1, H1, H2, EN4 and EN8 of the MVLP, which among other things, collectively require windfall developments in sustainable areas to be of a high-quality design and make a positive contribution to the local character. The proposal would also accord with the provisions of the

Framework which amongst other things, seeks to secure high quality designs that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change including increased densities.

12. I also find no conflict with policies H9 – Housing Mix; H10 – Standards for Accessibility, Water and Space; and EN13 – Standards and Targets for Combatting the Climate Emergency of the MVLP, as these are largely irrelevant to the main issue, which is the effect of the proposal on the character and appearance of the area, I have identified above.

Other Matters

13. I recognise that the proposal has generated public interest, with consultation responses submitted in response to the planning application and appeal. I have taken into account all of the other matters and concerns raised in the submissions by the interested parties, which include but are not limited to, the impact on the living conditions of neighbours, parking and noise and disturbance.
14. With regard to parking at the site, the scheme provides a suitable level of off-street parking. The proposal has previously been assessed by Surrey County Council as the Local Highway Authority, and no objection has been raised. I appreciate that the access is tight, and vehicles using the parking area at the rear do so via a narrow undercroft by multiple users. However, there is little substantive evidence to suggest that the effects of the development has made the existing access or parking levels materially worse or that the development would have a materially harmful effect on traffic or highway safety to warrant withholding permission.
15. In terms of the living conditions of existing residents, and issues associated with noise and disturbance, I have not been presented with any compelling evidence to disagree with the Council, that the proposal does not cause harm to the living conditions of existing residents in respect of these matters. Consequently, these other matters do not lead me to a different overall conclusion that the appeal should be allowed.
16. Given that planning permission is sought retrospectively, there is no requirement for a time limit condition for commencement of development. Additionally, because the development has already been constructed, there is no need for conditions to specify the plans to be followed or the materials to be used in construction. Furthermore, as the scheme has been substantially complete, no other conditions are deemed necessary.

Conclusion

17. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR