



Appeal Decision

Site visit made on 15 January 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/C3620/W/24/3349845

Orchard House, 1A St. John's Road, Leatherhead, Surrey KT22 8SE

- 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 Timothy Krolak against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1881/PLA.
 - The development proposed is erection of one new detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area
 - Highway safety, and
 - The quality of living conditions for future occupiers.

Reasons

Character and Appearance

3. St Johns Road is a residential street containing a mix of property styles. On the opposite side of the road to the appeal site are large, detached homes, some of which feature gables and bay windows to their frontages and accommodation at roof level, with generous sized plots which have a spacious layout particularly at first floor and above. On the side of the appeal site are closely spaced, mainly semi-detached, modest, mostly two storey houses with hipped and pitched roofs with narrow, but long rear gardens.
4. The appeal site is between the pairs of dwellings at 1a/b St Johns Road and Rathbeg/Little Croft. These pairs differ from the predominant character of the street and are larger semi-detached dwellings. No. 1b has been extended to the side with a part single-part two storey extension and Little Croft has a lean-to garage to the side. 1a and b have short but wide rear gardens, although the plots at Rathbeg and Little Croft are smaller than the prevailing size in this area. The appeal site is currently the driveway and side garden area for no. 1a.
5. The property on the corner of St Johns Road and Poplar Road includes lightwells to a lower ground level, however this arrangement is uncommon and basements do not form an overriding part of the character of this road. The Chapel of St Johns

School is a nearby large, educational building set in its own grounds. However, it does not form the immediate setting of the appeal site.

6. The proposed development would subdivide the land at 1A into two, smaller plots. The proposed dwelling would be a narrow two storey dwelling plus a basement with a small garden to the rear. The front elevation would be a gable style with wide windows and glazing extending up to the eaves. It would be close to the appeal site boundaries, sited 60cm from the adjacent garage and 3.9m from the main side elevation at Little Croft with 1.3m separation from the dwelling at 1a St Johns Road.
7. The development proposes an elevational treatment more closely related to the large, detached dwellings in this street, including large windows and a gable end frontage, which is emphasised by the full height glazing up to the eaves. However, the scale and spacing is more similar to the more modest semis. Nor does the massing or design seek to complement the styles of the directly neighbouring properties. Although there is no dispute as to the suitability of the materials shown, nevertheless, the appeal scheme results in a prominent appearance to the front elevation which would be at odds with the more restrained siting and spacing proposed and would emphasise this tight relationship.
8. Furthermore, the open space around the proposed dwelling would be very limited, resulting in a building which would appear oversized for its plot in this context. Whilst this would not result in unacceptable living conditions for future occupiers, nevertheless the very limited plot size would harmfully erode the pattern of development in this area.
9. Overall, the dwelling proposed would be an overly dominant, cramped form of development that would consequently be visually jarring and would unacceptably undermine the pattern of development in this area. This would result in substantial harm to character and appearance.
10. A 2 storey side extension to no 1a has been permitted under MO/2009/1455. This would adjoin the host property, however it would be an extension to an existing house. Therefore, it would be notably different to the scheme for a separate dwelling that is under consideration here and there is no substantive evidence that satisfies me that it would be more harmful than the dwelling proposed.
11. Consequently, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to policy EN4 of the Mole Valley Local Plan 2020-2039 (2024) (LP) which seeks high quality design which makes a positive contribution to local character.

Highway safety

12. The proposed development includes a parking space to the front of the dwelling, parallel to the highway. There is a change of gradient between the site and the neighbouring driveway with a low level wall which the appellant states is part of the host property.
13. The submitted swept path diagrams show that for a standard size vehicle manoeuvring into this space would be tight, with little margin for error to park in a single manoeuvre. Furthermore, the vehicle body envelope would have a marginal overhang over the neighbouring property. If boundary treatment were erected at

any point in the future including on the adjoining site the manoeuvre would not be possible. Nor would it be possible for a larger vehicle.

14. Therefore, vehicles undertaking multiple reversing manoeuvres on or off the site, across the pavement into this parking space is likely to occur. This would lead to increased conflict between road users and those parking at this site, leading to an increased risk to pedestrians and drivers, and serious harm to highway safety as a result.
15. This space has a dropped kerb and is currently used as a larger parking space perpendicular to the road. Consequently, although vehicles cross the pavement this is part of a more straightforward manoeuvre and therefore the arrangement proposed is less safe.
16. The appellant has suggested a condition to prevent the use of this space for car parking. However, this would result in the property having no off street car parking. Taking into account the circumstances of this case, this would be a fundamental change to the development proposed and consequently such a condition would be unreasonable.
17. My attention is drawn to properties on Magazine Place which have parallel parking spaces, however no detail has been submitted that the size of these spaces, nor the conditions of this road are similar to that before me now. An appeal decision at Briary, High Street, Keinton Mandeville (APP/R3325/W/17/3185578) has also been referred to, where an appeal was allowed for a driveway which did not include space for vehicles to turn. In that case the Inspector took into account the specific situation of that site and surroundings, as I have done here. However, I do not have evidence that the circumstances in that case are similar to those of the appeal scheme. As such, these do not alter my conclusions.
18. Therefore, the proposed development would result in harm to highway safety. Consequently, it would be contrary to Policy INF1 of the LP which requires that there should not be an unacceptable impact on highway safety.
19. Policy INF2 sets out parking standards, therefore the policy set out above is more relevant to this main issue.

Living Conditions

20. The proposed development includes a basement cinema/family room which would not have any windows. The dwelling would have three bedrooms, an open plan lounge/kitchen diner and there is no dispute that these rooms would receive appropriate levels of light and outlook and that they would provide sufficient space for the number of occupiers at this property. Consequently, it is not unreasonable that an ancillary non-habitable room could be provided. Whilst the annotation as a 'family room' is unhelpful, the main living area would be provided at ground floor. As such the lack of outlook or windows to this secondary room would not be unacceptable. Nor is there any dispute that the proposed dwelling would not meet accessibility standards.
21. Consequently, the proposed development would provide acceptable living conditions for future occupiers. As such it would be in accordance with policies H10 and H4 of the LP which in part require that the amenity of future occupiers is

not significantly affected including with regard to light and outlook and that sufficient space standards are provided.

Other Matters

22. Policy H8 of the LP supports proposals for self-build housing subject to detailed considerations. The appellant states that the property would be a unit of self-build housing. However, no mechanism has been submitted that would ensure that the proposed house is constructed and occupied in this manner. As such, based on the evidence in this case, I am not satisfied that the appeal scheme would ensure that this property would be self-build.
23. The proposed development would provide a 3-bedroom home in an accessible location in Leatherhead on a small windfall site, and the social and economic benefits of such provision. Policy H9 of the LP sets out that there is a need for 3 bed family homes, albeit smaller dwellings form the greatest area of need. However, the site does not front Epsom Road and therefore it is not within the Residential Development Opportunity Area set out in policy H2 of the LP. The development would also include a solar roof, an electric car charging point and would be energy efficient, and it would be in accordance with Policies EN13, S1 and INF1 in these regards, albeit there is no detailed information regarding embodied energy.
24. A number of policies from the LP that cover matters including Natural Assets have been submitted. However, the policies of the LP most relevant to the main issues based on the evidence in this case are set out above.
25. During the appeal process the LP has been adopted and the Council has a five-year supply of deliverable housing sites. Furthermore, the 2023 housing delivery test results indicate that the delivery of housing was not substantially below the housing requirement over the previous three years. Therefore, paragraph 11d) of the Framework would not be engaged.
26. Taking all the above into account and given the scale of the development in this case, overall, there would be modest benefits as a result of the proposed development. However, the harm identified would result in substantial harm to character and appearance and would have a serious effect on highway safety, which would lead me to conclude that these substantial adverse effects attract greater weight that outweighs the benefits set out above. Therefore, the proposal would not comply with the development plan as a whole.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR