



Appeal Decision

Site visit made on 5 March 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/C3620/W/24/3351530

Land at Timber Lodge, Ottways Lane, Ashted, Surrey KT21 2PB

- 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 Ms C Holmes and Mr G Avison against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0134.
 - The development proposed is the creation of two new accesses and the erection of four dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the Council has formally adopted a new local plan, which is the Mole Valley Local Plan 2020-2039 adopted in October 2024 (MVLN). I have determined the appeal on the basis of this updated local plan.
3. The Council made a minor amendment to the description of the proposed development. However, as there is no material difference I have used the description that was included on the application form.

Main Issues

4. The main issues are:
 - Whether or not the proposed development would provide acceptable living conditions for future occupants with particular reference to privacy;
 - The effect of the proposed development on the living conditions of the occupants of 1-4 Gwennap Place with particular reference to privacy and outlook; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions – future occupants

5. The appeal site forms part of the former garden of Timber Lodge. I observed at the site visit that Timber Lodge has first floor windows serving habitable rooms that look over the appeal site. Due to the configuration of the proposed dwellings relative to this existing dwelling, any views between habitable windows at the proposed development and Timber Lodge would be oblique and would not result in

a harmful loss of privacy. Moreover, given the distances involved and the angle of views I do not have concerns about the living conditions of the future occupants of Plots 3 and 4.

6. However, the same cannot be said for the relationship between the upstairs bedroom window at the eastern part of Timber Lodge and the proposed garden of Plot 1. This window would have direct views over the garden of Plot 1, including the patio area immediately outside the rear of this dwelling. I have taken account of the proposed planting and landscaping proposals within the retained garden of Timber Lodge and within the garden of the proposed dwelling on Plot 1, which would include mature mountain ash and *Betula utilis*. I accept this arrangement would help to screen the views from Timber Lodge to a certain extent. Nevertheless, it would not sufficiently ameliorate the unacceptable harm caused by overlooking and loss of privacy for the future occupants of Plot 1.
7. Taking account of the distance involved and the more oblique views, the relationship between the upstairs bedroom window at Timber Lodge and the garden area of Plot 2 would not be harmful.
8. I also observed that there is another window serving a first-floor habitable room in the western part of Timber Lodge which also faces towards the appeal site. This is currently used as a dressing room but given its size, it could be used as a bedroom in the future. Notwithstanding that this is partly obscure glazed, this would also have views towards the rear gardens of the proposed dwellings. However, such views would be at a more oblique angle and more distant particularly towards the patio areas of Plots 1 and 2, which would be the nearest dwellings. Consequently, overlooking and loss of privacy would not be unacceptably harmful from this window at Timber Lodge.
9. However, the lack of unacceptable harm from the existing dressing room window at Timber Lodge, or the fact that the proposal would provide acceptable living conditions for the future occupants of Plots 2,3 and 4 does not lessen the unacceptable harm that the proposed development would have on the living conditions of the future occupants of Plot 1 that I have identified above.
10. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupants of Plot 1 with particular reference to privacy. Consequently, the proposal would conflict with Policy EN4 of MVLP which among other things seeks to ensure that the amenity of future occupiers is not significantly affected by overlooking, causing a loss of privacy. The proposal would also be at odds with the National Planning Policy Framework which seeks to ensure that developments create places with a high standard of amenity for future users.

Living Conditions – Neighbouring residents

11. To the south-west of the appeal site there are four existing dwellings along Gwennap Place. However, between the boundary of the appeal site and the dwellings themselves there is an existing access road. Moreover, the main outlook of these properties is to the rear over the Ashted Cricket Club. Due to the position of the existing properties which are set back from the common boundary with the appeal site and the proposed orientation of the proposed dwellings, the proposal would not appear unacceptably overbearing when viewed from any of the properties along Gwennap Place and consequently would not unacceptably impact on the outlook from these neighbouring properties.

12. Although the main outlook of the properties along Gwennap Place is towards the Cricket Club, there are ground floor habitable windows that face towards the appeal site. However, again due to the orientation of the proposed dwellings any views between windows serving habitable rooms at these neighbouring properties and windows serving habitable rooms at the proposed development would be oblique and would not result in an unacceptable loss of privacy.
13. The rear gardens of the properties along Gwennap Place are shallow with the main garden areas that serve these properties to the side of each dwelling. Due to the position of these gardens relative to the windows serving habitable rooms there would be no unacceptable loss of privacy at 1,2 or 3 Gwennap Place. I note that habitable windows serving Plot 3 and 4 in particular would face towards the side garden of 4 Gwennap Place (No 4). However, bearing in mind the distance these windows would be from this garden, the existing vegetation and trees that already provide a significant amount of screening to this garden and the fact that the proposal would not overlook the area immediately outside the rear of this existing dwelling, the proposed development would not result in an unacceptable loss of privacy for the garden area of No 4.
14. I therefore conclude that the proposed development would not result in an unacceptable impact on the living conditions of the occupants of 1-4 Gwennap Place with particular reference to privacy and outlook. Consequently, the proposal would accord with the relevant part of Policy EN4 of MVLP which among other things seeks to ensure that the amenity of residents occupying properties in the surrounding area is not significantly affected by overlooking, causing a loss of privacy or an unacceptable visual impact.

Character and appearance

15. The appeal site is located within an established residential area. Although it forms part of the former garden of Timber Lodge, it has a significant frontage along Leatherhead Road, where there is a mix of properties, including flats, a large retirement development as well as more traditional two storey dwellings, including the properties along Gwennap Place.
16. Given this context the introduction of a residential development on the appeal site is acceptable in principle. There is an existing sense of verdant spaciousness associated with the former garden use of the appeal site which makes a positive contribution to the existing character and appearance of the area.
17. The proposed development would incorporate a sensitive and high-quality landscape design which would ensure that the proposed development retains an adequate amount of green vegetation to fit into the existing landscape. Moreover, the proposed dwellings would be set back from Leatherhead Road and set in from the common boundaries on all sides by an adequate distance. This arrangement would ensure that the proposal would not appear cramped on the site. Moreover, the proposed scale, mass and architectural design would be compatible with this context and would be appropriate for the appeal site.
18. I accept that there would be parking to the front of the proposed dwellings and the proposed access points would allow views of the appeal site from Leatherhead Road. However, given the sensitive landscape plan, the proposal would not appear incongruous within this setting and overall, it would not represent an overdevelopment of the appeal site.

19. I therefore conclude that the proposed development would not harm the existing character and appearance of the area. Consequently, the proposal would comply with the relevant part of Policy EN4 of MVLP which among other things seeks to ensure that all new development is of a high-quality design that makes a positive contribution to its local character.

Other Matters

20. I am satisfied that given how recently the MVLP was adopted the Council are able to demonstrate that they have an adequate supply of housing land. That said, I accept that the proposal would make efficient use of the appeal site, would have a cumulative effect on the supply of housing in a sustainable location and would have some economic, social and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support services and local facilities. I therefore accept that in many respects the proposal accords with relevant policies of MVLP. However, these matters do not outweigh the harm the proposal would have on the living conditions of the future occupants of the proposed dwelling on Plot 1 as outlined above.
21. I also consider that given the broad scope of Policy EN4 of MVLP it satisfactorily covers all the concerns highlighted by the Council and it was unnecessary for them to refer to any other policies of the MVLP.

Conclusion

22. 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, the appeal should be dismissed.

S Rawle

INSPECTOR