



Appeal Decision

Site visit made on 5 September 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 15 OCTOBER 2025

Appeal Ref: APP/C3620/W/25/3367368

69 Harriotts Lane, Ashtead, Surrey KT21 2QE

- 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 Vita Group London against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0263/PLA.
 - The development proposed is a single family dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for single family dwelling at 69 Harriotts Lane, Ashtead, Surrey KT21 2QE in accordance with the terms of the application, Ref MO/2025/0263/PLA, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of clarity, I have taken the description of development above from the planning application form. Even though the appellant has provided a different description in Section E of the appeal form, they have also confirmed that the description of development has not changed. There is no evidence before me that there was appellant agreement to the change in description provided by the Council on the decision notice.
3. The Council has confirmed, following receipt of the appeal information, that the proposal would provide sufficient floor to ceiling heights and therefore it is satisfied that the proposal would meet the Nationally Described Space Standards. Consequently, the Council has confirmed that it wishes to retract the third reason for refusal which related to this matter. Based on the evidence before me, I can find no reason to disagree with the Council's approach and as a result this matter will not form a main issue in my consideration of this appeal.
4. Under paragraph 15 of the new Schedule 7A of the Town and Country Planning Act 1990, all developments are now required to achieve a 10% net gain (the 'biodiversity objective'), unless one of the various exemptions applies. Initially the appellant indicated on the planning application form that the proposal would be exempt from the biodiversity objective, due to the development being self-build. However, there was no mechanism submitted to secure the development as a self-build dwelling. The appellant had already submitted the required baseline information relating to the biodiversity objective and has since confirmed that if planning permission were to be granted, that the development would be subject to the biodiversity net gain condition. I have considered the proposal on this basis and not as exempt from the biodiversity objective.

Main Issue

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

Reasons

6. The appeal site comprises part of the rear garden space associated with 69 Harriots Lane, a detached bungalow with accommodation in the roofspace, located on a corner plot which fronts onto Harriots Lane. The size, design and appearance of dwellings along with the size of plots and the space retained between built form and plot boundaries varies considerably along Harriots Lane which leads to an interesting and varied streetscene. One of the boundaries of the appeal site sits adjacent to a no-through road called The Priors.
7. The side elevation of 67 Harriots Lane is located opposite the appeal site along The Priors and comprises a large, detached building with a mansard style roof and three bay windows and is constructed of dark brick and plain roof tiles, and is in use as a care home. Beyond No 67, The Priors curves, leading to eight dwellings further north which are all two storey detached buildings and of similar appearance. One consistent feature along both Harriots Lane and The Priors is that dwellings are set back from the road behind front gardens and driveways with the presence of vegetation playing a significant role in the character and appearance of the area.
8. The appeal site sits between Harriots Lane and the group of dwellings at the end of The Priors. A significant vegetative area with mature trees is located to the north of the appeal site which provides a significant green buffer between the appeal site and the nearest neighbouring dwelling on the same side of The Priors. Given the curve in the road, the vegetative backdrop and its proposed positioning, the appeal proposal would not be readily viewed alongside the group of dwellings located on The Priors. I find that due to the undeveloped space that would be retained to either side of the appeal site, the appeal proposal would appear relatively standalone in the streetscene, although the side elevation of No 69 and the front and side elevations of No 67 would be the most visible in the surrounding context when approaching the appeal site.
9. Whilst I accept that the proposal would not replicate any of the dwellings in the surrounding area, it would take design elements, such as the projecting gable features and the dormer window from other dwellings in close proximity. The proposed orientation of the dwelling with the principal elevation facing The Priors would reflect the prevailing pattern of development in the area which consists of dwellings fronting onto the road from which they are accessed.
10. The height and scale of the dwelling would be in keeping with other dwellings in the local area as would the use of render for the external walls. Whilst I accept that the use of stone detailing is not a noticeable feature in the surrounding area, it would be a minor component of the overall design and mix of materials. Given the set back from the road, I do not consider that this feature would be overly dominant. For the above reasons I find that the design, appearance and orientation of the proposed dwelling would respond appropriately to the varied character and appearance of the surrounding area.

11. Although the appeal site is smaller than other plots in the surrounding area, plots vary in size and shape, with more modern developments in the locality adding more significantly to this variation. The proposed dwelling would be set back from the road behind a front garden and driveway, in accordance with the prevailing characteristics of the area. The width of the dwelling and the plot along with the separation between the dwelling and the side boundaries would appear in keeping with other dwellings in the surrounding area. The dwelling would sit between areas that are open and undeveloped, and the depth of the plot would not be readily visible in views from Harriots Lane or The Priors, given the existing vegetation and the boundary treatments that would be in place. For these reasons, I do not consider that the proposal would result in a cramped form of development. I therefore find that the differing plot size in this case would not appear harmful to the character and appearance of the area.
12. Having regard to all the above, I have found that the appeal proposal would not unduly affect the character and appearance of the area. The proposal would therefore accord with Policy EN4 of the Mole Valley Local Plan 2020-2039 Adopted October 2024 which seeks, amongst other things, that all new development must complement the character of the area.

Other Matters

13. I note that inaccuracies are highlighted by interested parties whereby what is stated on the application form does not match what is presented in the supporting information in terms of the parking proposed and the existing vegetation on the site. I am satisfied however that there is sufficient information before me to consider the appeal proposal. I recognise comments were received by the Council about the affordability of housing and the housing mix, however, there is no evidence before me to suggest that the provision of a three bedroom dwelling would be at odds with the housing needs of the area.
14. Concerns are raised about the increase in traffic and parking during construction and after completion. The Highways Authority have raised no objection subject to conditions, and I cannot find any compelling evidence to suggest the number of additional traffic movements from one dwelling would be significant. The Council has confirmed that sufficient parking would be provided for the proposed dwelling and No 69. I can see no reason to disagree. I note that construction traffic could lead to some disruption. However, I agree with the Council that due to the limited scale of the development and that it would be for a temporary period only, a condition requiring a construction management scheme would not be reasonable in this case.
15. I am satisfied that the removal of a small number of trees would be acceptable, given they currently have limited amenity value and because replacement planting is proposed. I also find that the tree located in the retained garden area to No 69 would be adequately protected, based on the evidence before me.
16. Concerns are raised by the neighbouring occupier to the east in terms of overlooking, overshadowing and the loss of natural light in the rear garden area. However, given the separation from the boundary and the design of the proposal with no first-floor windows in the rear wall, I do not consider that the proposal would have an unacceptable impact on privacy nor would it result in significant overshadowing that would warrant refusal of planning permission.

17. I acknowledge that there is currently a lack of information on sustainability measures. However, I agree with the Council that this could be adequately dealt with by planning condition. There is no compelling evidence before me which suggests that the existing infrastructure could not support one additional dwelling.
18. The appeal site is not located in an area identified as being at risk of flooding. However, I understand that concerns have been raised about existing surface water flooding on The Priors. The Council has suggested a condition requiring a surface water drainage scheme prior to the commencement of development. I consider this condition to be reasonable and necessary to ensure satisfactory drainage of the site.
19. Interested parties state that approval of the appeal proposal could set a precedent for future development. Nevertheless, there is no evidence before me to suggest there are any similar cases to the one before me now and I must consider the appeal proposal on its individual merits.
20. Concerns are raised by interested parties about the Council's consultation measures particularly in relation to those properties that do not share a boundary with the appeal site. Nevertheless, this is not a matter that I can take into account in my consideration of this appeal.

Conditions

21. The Council has suggested a number of conditions in the event that the appeal be allowed. The appellant has confirmed that they are agreeable to the suggested conditions. I have altered the wording where necessary to better reflect the advice set out in the Planning Practice Guidance concerning the use of planning conditions, without changing their overall intention.
22. In addition to the standard time limit, a condition setting out the approved plans is necessary to provide certainty. A pre-commencement condition requiring a surface water drainage scheme is necessary in the interests of ensuring the site is properly drained and that the development does not increase the risk of surface water flooding elsewhere. A pre-commencement condition requiring an ecological enhancement plan is reasonable and necessary to promote biodiversity.
23. A scheme to demonstrate how the development will be zero-carbon ready is necessary in the interests of the environment and the amenity of neighbours. Details of boundary treatments are also required in the interests of neighbouring amenity and the character and appearance of the area.
24. Conditions relating to the access and parking area are necessary in the interests of highway safety. Whilst not suggested by the Council, the Highways Authority did suggest a condition that included a requirement for cycle storage and charging points for e-bikes. I find that the provision of cycle storage is reasonable and necessary in the interests of encouraging sustainable modes of transport, however, I am not directed to where the specific requirement for e-bike charging points is identified as a local planning policy standard, as such I have not imposed this part of the suggested condition.
25. A condition requiring obscure glazing in a first floor window along with restricted opening is necessary to prevent the overlooking of a neighbouring property. A condition is required to ensure the development is carried out in accordance with

the submitted Preliminary Ecological Survey in the interests of biodiversity. A condition is also necessary to ensure the development is completed in accordance with the submitted Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan, in the interests of biodiversity and the visual amenity of the area.

26. I have not included the Highway Authority's suggested condition regarding a fast charge socket as the provision of electric vehicle charging as this was not suggested by the Council and would be covered by Building Regulations. A number of informatives are suggested by the Highway Authority. I have not attached these to the list of conditions as they would have no legal weight. Nevertheless, I am satisfied that the appellant has seen these, given they were included in the Highway Authority's response to the Council.

Conclusion

27. I have found no conflict with the development plan as a whole, consequently, it follows that permission should be granted. There are no material considerations, including the Framework, that would lead me to a different conclusion. The appeal is therefore allowed subject to conditions.

G Dring

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 8902-PD-40, 8902-PD-50 and PD-42.
- 3) Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for approval in writing by the local planning authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations, and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the local planning authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development.

- 4) Prior to the commencement of the development hereby permitted, an Ecological Enhancement Plan (EEP) shall be submitted for the approval in writing of the local planning authority. This should be prepared by a suitably qualified and experienced ecologist. The scheme shall be implemented in accordance with the details and timeframes set out in the approved EEP.
- 5) Before any works above ground level, details of how the development hereby permitted will be zero-carbon ready, shall be submitted to and approved by the local planning authority and be implemented prior to the first occupation of the development. In the event of Air Source Heat Pump (ASHP) technology being proposed for use at the site, full details of the specification and maintenance of the ASHP shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.
- 6) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be retained and/or erected shall be submitted to and approved by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the dwelling is occupied and retained thereafter.

- 7) The development hereby approved shall not be first occupied unless and until a parking area has been laid out within the site in accordance with a scheme to be submitted and approved in writing by the local planning authority for the parking and manoeuvring of vehicles. Thereafter the parking area shall be retained and maintained for its designated purposes.
- 8) There shall not be any vehicle parking within the parking area unless and until the vehicular access onto The Priors has been constructed and provided with visibility in accordance with the approved Drawing No. 8902-PD-40. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 9) The development hereby approved shall not be first occupied unless and until details of cycle storage has been submitted to and approved in writing by the local planning authority. The cycle storage shall be implemented in accordance with the approved details prior to the occupation of the development.
- 10) Prior to the first occupation the first floor window in the southern elevation of the development hereby permitted shall be glazed in obscured glass and only openable above a height of 1.7 metres above the internal floor level. The window shall be retained in that condition thereafter.
- 11) The recommendations set out in the Preliminary Ecological Survey, January 2025 prepared by Plumb Associates shall be carried out prior to first occupation of the dwelling hereby permitted.
- 12) The development hereby permitted shall be carried out in accordance with the BS 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan dated 4 February 2025 prepared by Usherwood Arboriculture.

END OF SCHEDULE