



Appeal Decision

Site visit made on 18 January 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2019

Appeal Ref: APP/C3620/W/18/3207892

Thanet, Linden Gardens, Leatherhead, Surrey KT22 7HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ashgrove Homes Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2018/0757/PLA, dated 25 April 2018, was refused by notice dated 21 June 2018.
 - The development proposed is for the erection of two detached houses with integral garages and ancillary parking following demolition of existing building comprising 3 no. flats and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Updated versions of the National Planning Policy Framework were published in July 2018 and February 2019. The main parties were given the opportunity to comment on the relevance of both versions to the appeal proposal and I have had regard to the 2019 Framework (the Framework) in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of the occupiers in Middle Lindens, with particular regard to outlook; and
 - whether the development's housing mix would be appropriate.

Reasons

Character and appearance

4. Containing a large two-storey detached building known as Thanet, the appeal site is located in the cul-de-sac section of Linden Gardens. Except for a limited number of newer build properties, such as at semi-detached pair at Nos 2-4 Linden Gardens and the detached property known as Farndale, the site is similar in size, scale, density, design and form to the majority of plots and large properties on the street. These common characteristics give the street a coherent character and appearance, and a well-defined development pattern

and form, including relatively wide plots in generally spacious settings. The appellant's appeal statement also describes the character of Lindens Gardens as being overwhelmingly one of large family houses. With similar architectural features, a traditional Edwardian-era style and with only slightly varying designs, most properties on the street have a similar character and appearance.

5. The development would divide the site and introduce two detached dwellings. This would form two comparatively narrow plots with the dwellings located in relatively close proximity to each other and the shared boundaries with the properties known as Helmsley and Middle Lindens. Consequently, the development would create a cramped environment which would be out of keeping with the street's spacious character and its development pattern and form. Although they would be two-storeys high, the dwellings would be noticeably narrower and lower than Helmsley, Middle Lindens and the majority of other detached dwellings on the street. The proposed buildings would therefore be out of scale and proportion with the street's predominant built form. Consequently, they would appear as incongruous additions which would detract from the surrounding area's appearance and coherent character. The development would also extend built form further into the rear of the site than the existing situation and beyond that of other nearby properties. This would be out of character with the surrounding area and would erode the area's spacious environment created by the similar-sized large rear gardens on this side of the road.
6. The proposed dwellings would have a similar set back from the highway as surrounding properties. However, the development would introduce two-storey built form across the majority of site's width, with reduced spacing to adjoining plots and properties. This would be in clear contrast to the existing situation at the site and at other similar sized plots on the street. Excepting Farndale and Nos 2-4, surrounding plots generally involve generous space on at least one side of the detached property in each plot and only single-storey garages/extensions/outbuildings – which are often further set-back than the main property – to the side. This predominant development pattern gives the street its spacious character, with space between buildings and views to open garden space to the rear. This would be significantly changed by the new dwellings appearing as incongruous additions squeezed in-between the larger existing properties occupying spacious plots.
7. I recognise that Farndale – which I observed on my site visit was undergoing works, following a recent grant of planning permission for front and side extensions – and Nos 2-4 have a different appearance and scale to the majority of other properties on the street. They are also set in plots which are relatively narrow. However, their presence, plot widths and proximity to surrounding buildings do not create such a variety in the streetscene that the common characteristics of the larger and well-spaced detached buildings and their plots are lost. Indeed, it is the development pattern, scale, size and appearance of these detached buildings and their plots that form the street's coherent character and appearance, with Farndale and Nos 2-4 appearing as inconsistent, more recent additions. The presence of these limited examples, along with the minor extensions and alterations to other properties on the street, does therefore not lead me to a different conclusion. The fact that Thanet has been split into flats does also not alter the street's character, and is therefore not determinative.

8. I acknowledge that the appellant's Design and Access Statement considers the site's setting. The proposed dwellings would have a similar appearance to each other and their scale has been considered in relation to the proposed plots' proportions and relatively narrow widths. The buildings' design, including gable roofs and external materials and architectural detailing, would also pick up on some features commonly found on other properties along the street, and development plan policies do not demand that local character is mimicked. The extent of soft landscaping at the front of the site can be dealt with via condition, the existing street trees will remain, and I have no evidence before me that the tree on the north-eastern boundary is preserved. The site does not relate to any public views, is not within the greenbelt, and no landmark buildings have been identified in the vicinity. The existing building is also not listed, the Council does not object to its demolition, and the site is not within a conservation area. However, these aspects do not alter my above findings. Although soft landscaping and the street trees would provide some screening, the development would also be visible from the public realm.
9. I note the Council's reference to their Built-up Area Character Appraisal (BUACA) and the key characteristics it identifies for the Central Leatherhead area, where this site is located. Although the document provides an overview of the wider area's character and appearance and confirms that there is some homogeneity within streets, it does not provide detail on the specifics of Linden Gardens. I therefore do not find that it is determinative to my decision. In any event, I note that the Council does not allege the development conflicts with it.
10. For the above reasons, I conclude that the proposal would harm the character and appearance of the surrounding area. I therefore find that the proposal fails to accord with Policy CS14 of the Mole Valley Local Development Framework Core Strategy (the Core Strategy) and Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (the Local Plan). Amongst other aspects, these require development to: respect and enhance the character and appearance of the locality and its setting; be of an appropriate proportion, scale and form; and not result in a cramped appearance. These policies are broadly consistent with the Framework in so far as they relate to achieving well-designed places.

Living conditions

11. The development would bring built form closer to the shared boundaries either side of the site. The development would also involve a greater rear projection than the existing situation, extending beyond the rear of the neighbouring properties. The majority of the additional depth would be two-storeys high.
12. The height, depth and position of Plot 2, close to the boundary with Middle Lindens, would have a dominating and enclosing effect on Middle Lindens' rear garden. This would have an overbearing effect to the extent that the outlook in the rear garden area of Middle Lindens would be significantly reduced.
13. I acknowledge that side facing windows in the proposed development could be obscure glazed to avoid overlooking issues, and that the Council has not identified concerns relating to the development's effect on sunlight and daylight or in relation to other neighbouring occupiers. I also recognise that the first-floor of Plot 2 would be set back from the boundary with Middle Lindens at the rear most extent of the building. Additionally, there is little evidence before me to indicate that Plot 2 would be within the 45-degree angle from the nearest

corner of Middle Lindens, which is located on the other side of its plot from the appeal site. However, these aspects do not alter my above findings.

14. For the above reasons, I conclude that the proposal would harm the living conditions of the occupiers in Middle Lindens, with particular regard to outlook. I therefore find that the proposal fails to accord with Policy ENV22 of the Local Plan. Amongst other aspects, this requires development to not significantly harm the amenities of the occupiers of neighbouring properties. This policy is broadly consistent with the Framework in so far as it relates to ensuring a high standard of amenity for existing users.

Housing mix

15. Policy CS3 of the Core Strategy states that 'The Council will particularly seek the provision of two and three bedroom dwellings suitable for occupation for all sectors of the community...'. While the proposed dwellings would each contain more than three bedrooms, and two of the three existing flats are two-bedroom units, there would be no particular conflict with Policy CS3 because the policy does not preclude the loss of such units or the provision of dwellings with more than three bedrooms. In terms of housing delivery, the development would also be relatively modest and would consequently only have a very limited effect on the mix of dwellings, by size, in the Council's area. I therefore conclude that the development's housing mix would be appropriate.

Planning Balance

16. I note that the Council does not object to the principle of the development, parking and access arrangements, or the quality of the accommodation for future occupiers. I recognise that rear gardens would be provided for both properties and that the development would make use of previously developed land within the built up area of Leatherhead. Whilst Policy CS14 of the Core Strategy encourages development to make best possible use of available land, the policy also requires that development respect and enhance the character of the area. Given its wording, I am satisfied that making best possible use of land is not the policy's overriding objective.
17. The Housing Delivery Test results indicate that there has been a 23% shortfall in housing delivery over the past three years in the Council's area. A 20% housing land supply buffer is therefore necessary. Setting out that a 25% buffer would equate to an additional 85 houses per year, the appellant states that this indicates a heightened importance to release whatever land can reasonably be used to make up the shortfall, that great weight should be given to the shortfall in housing delivery, particularly in urban areas, and that the priority should be to permit development within urban areas to reduce the pressure on the green belt. The appellant also states that the Local Plan is out of date and therefore its policies should only have limited weight and the Framework's presumption in favour of sustainable development applies.
18. I recognise that there has been a shortfall in housing delivery over the past three years and that the Local Plan dates from 2000. However, the development plan policies that I have found a conflict with relate to the quality of development and living conditions of adjoining occupiers, and I consider that those policies are broadly consistent with the Framework and are not out-of-date when regard is paid to the provisions of paragraph 11d) of the Framework. Paragraph 213 of the Framework also states that 'existing policies

should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework' and that '[d]ue weight should be given to them, according to their degree of consistency with this Framework'. Accordingly, I consider there is no reason, in this instance, why the development plan's policies that are most important for the determination of this appeal should not be accorded very substantial weight.

19. In any event, the development would not meet the social and environmental roles of sustainable development as set out in paragraph 8 of the Framework, and does not therefore constitute sustainable development. Furthermore, although the development would make use of previously developed land in an urban setting and provide two family-sized homes with drainage and sewerage connections, renewable energy and disabled access arrangements, the loss of the three existing flats would mean that the development would actually result in a small net reduction in the number of residential units in the area. I therefore consider that the development's social and economic benefits would be limited and would not outweigh the harm that I have identified. Even if the policies that are most important for the determination of this appeal were considered to be out of date, which I consider they are not, I find that the adverse impacts of the development would significantly and demonstrably outweigh its limited benefits when assessed against the policies in this Framework taken as a whole. I am satisfied that the harm could not be overcome by the imposition of planning conditions.
20. A number of neighbours have raised other concerns in relation to the development, such as in relation to its effect on the living conditions of other neighbours on the street. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

21. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR