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## 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: 04 March 2019**

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### **Appeal Ref: APP/C3620/W/18/3212544 55 Kennel Lane, Fetcham KT22 9PQ**

- 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 Mr and Mrs Godwin against the decision of Mole Valley District Council.
  - The application Ref MO/2018/0683/PLA, dated 16 April 2018, was refused by notice dated 13 July 2018.
  - The development proposed is for demolition of existing building and erection of a pair of semi detached 2 storey dwellings and outbuildings with associated parking, landscaping and access.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. An updated version of the National Planning Policy Framework was published in July 2018. The main parties were given the opportunity to comment on its relevance to the appeal proposal. A further version of the National Planning Policy Framework was then published in February 2019. However, as the policies that are material to this case have not materially changed from the previous version, I have not consulted the parties on its alterations. I have had regard to the 2019 Framework (the Framework) in reaching my decision, and am satisfied that this has not prejudiced either party.

### **Main Issues**

3. The main issues are:
  - the effect of the development on the character and appearance of the surrounding area, including any effect on trees; and
  - whether the development's housing mix would be appropriate.

### **Reasons**

#### *Character and appearance*

4. The appeal site is located on the south-west side of Kennel Lane, which is characterised by relatively wide plots with detached buildings set within a spacious environment. Although set behind visually prominent trees fronting the highway and forming an important part of the area's tree lined character and verdant appearance, the site is visible from various points along Kennel

Lane. With the exception of No 49 Kennel Lane, the appeal site forms part of a series of chalet bungalows between Nos 45-59. Due to the distinctive difference between the appearance and development pattern of built form on each side of Kennel Lane, the site is experienced from the public realm as relating most closely to the adjoining plots and the series of chalet bungalows on the south-west side of the road. The character, development pattern and mix of buildings, including two-storey properties, on the opposite side of Kennel Lane and in the wider area do not therefore reflect the particular circumstances of the appeal site and its immediate context and surroundings.

5. The Council's Supplementary Planning Document 'Built up Areas Character Appraisal, Bookham and Fetcham' identifies Kennel Lane as being within the area defined as West Fetcham. It describes the key characteristics of the area as including, amongst other aspects: a strong sense of spaciousness, created by aspects such as houses set-back behind front gardens and lateral separation between buildings; generous tree cover; and a sense of coherence, created by house plots mostly of regular size/spacing. The Council considers that the spacious character of the site's immediate area is a key characteristic.
6. The development would introduce a two-storey building extending across a significant proportion of the site's width. This would leave only a narrow gap to the site's boundaries with Nos 57 and 53. The building's height and mass would be greater than the neighbouring chalet bungalows. Although the building has been designed to appear as a detached dwelling, the plot would be split in two in order to provide separate private garden and parking space for the two proposed dwellings. This would result in noticeably narrower plots on the site compared to others along the south-west side of Kennel Lane. The opening out of the site's frontage, through the removal of some trees and soft landscaping and provision of a new access, would lead to increased visibility of the proposed development from the public realm.
7. The combined height, width and mass of the proposed building would reduce the surrounding area's open character and spacious environment. Although its proximity to neighbouring buildings may not harm neighbours' living conditions and the site's density may not be significantly different from other sites in the area, the building would appear as an incongruous feature on the south-west side of Kennel Lane due to its greater mass and cramped siting between the neighbouring chalet bungalows. While relatively long front garden and parking areas would remain, the building's forward projection compared to the existing situation would make the proposed building more prominent and thus exacerbate these aspects. The dashed blue building line shown on drawing KL/PL/18/03 is unrelated to how Nos 49-59 are experienced from the public realm and does not lead me to a different conclusion.
8. Even though the site is wider than the plots at Nos 53 and 51, dividing it into two would result in significantly narrower plots than adjoining sites and other plots in the surrounding area on the south-west side of Kennel Lane. The narrow plots would create a cramped environment at the front of the site and would disrupt the prevailing rhythm and spacious pattern of development in the surrounding area. The creation of an additional access, splitting up the site's frontage, would emphasise this. Although No 49 has two accesses, that site appears from the public realm as a single plot with a similar width to the other wide plots on the south-west side of Kennel Lane. Consequently, the two accesses at No 49 do not lead me to a different conclusion.

9. The site's additional access would be located between two large, mature trees, labelled T5 and T6 in the appellants' Arboricultural Assessment. While these trees are not subject to any specific statutory protection, they are nonetheless an important part of the area's character and appearance and form part of a line of visually prominent trees extending on both sides of the site along the south-west side of Kennel Lane. To avoid harming these trees, the development includes a no-dig surfacing system for the new access. As indicated by the appellants, the surface for the new access would be approximately 225-250mm above existing ground levels.
10. I observed on my site visit that much of the site's front garden area is set lower than the footway and highway. However, rather than dropping off immediately behind the footway, as stated by the appellants, I noticed that ground levels at the front of the site and in the area around the bases of T5 and T6 are actually at a similar height to the footway. Consequently, I am not satisfied that a no-dig surfacing system would enable the new access to marry up with the highway without the site's land levels next to the highway and around the base of the trees being reduced. The no-dig surfacing system does therefore not appear to be feasible, and the Council has indicated that the appellants cannot raise the footway and highway. However, as indicated by the appellants, a no-dig method is necessary in order to avoid damaging tree roots. Consequently, I remain unconvinced that the need for any excavation within the root protection areas could be avoided while also ensuring that the new access marries up with the footway and highway. On this basis, I am not satisfied that the development would avoid harming the mature trees which form an important part of the area's character and appearance.
11. Given the varied design and appearance of properties in the surrounding area, I consider that the building's appearance, design and materials would be acceptable. I recognise that its height would be similar to two-storey buildings found in the wider area. The building's distance to the boundaries with Nos 53 and 57 would also not be materially different to the distances shown in drawing KL/PL/18/03.
12. However, the site's context is that of the surrounding chalet bungalows. This is because the two-storey properties on the same side of the road, with the exception of No 49, are located at a distance from the appeal site that creates a clear visual and physical separation. Those properties, like those on the other side of the road, are therefore experienced within a different context to the appeal site. Surrounding properties also maintain the area's openness and sense of space by, for example, not extending full-height built-form across the majority of their plots, while hipped roofs provide some visual separation and space between properties. This is evident at No 57, where that dwelling does not extend up to its boundary with No 59, while No 53 involves a flat roof single-storey garage to the side and then a gap to the boundary with the appeal site. No 51's roof design also provides some space with No 49 in particular, and Nos 47 and 49 do not extend at their full-height across the full width of their plots, with single-storey garages/outbuildings providing views and space between them. The appellants' examples of single- and two-storey properties sitting alongside each other also appear to demonstrate similar spacing between the buildings.
13. The appellants refer to a number of developments in the surrounding and wider area, including extensions, replacement buildings, sub-division of plots and

back-land development. However, based on the evidence before me, it appears that each have different circumstances to this proposal. For example, although located in the area of West Fetcham, No 45 The Glade is on a different road approximately 0.3 miles away, and I observed on my site visit that The Glade has a different character and appearance to Kennel Lane and the appeal site's immediate context and surroundings. Although the appellants' other examples on The Glade are closer, their location means that they also have a different context and do not reflect the particular circumstances of the appeal site. Comparisons between developments on The Glade and the appeal proposal, including in relation to height and density, are therefore not relevant. Additionally, the scheme at No 59 Kennel Lane involves chalet dwellings rather than a two-storey building, and previous planning applications at the appeal site, of which I have only limited details, involved different developments to the appeal proposal. Consequently, I find that the appellants' examples are not relevant to the acceptability of the appeal proposal. It is also a well-accepted principle that each proposal is considered on the basis of its particular circumstances. I have therefore dealt with this case on its individual merits.

14. 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, ENV24, ENV25 and ENV53 of the Mole Valley 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 scale and form and not result in a cramped appearance; and preserve existing tree cover in built up areas by including sufficient space to enable trees of significant public amenity value to be retained. These policies would appear to be broadly consistent with the Framework in so far as they relate to achieving well-designed places.

#### *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, there would be no particular conflict with Policy CS3 because it does not preclude the provision of dwellings with more than three bedrooms. In housing delivery terms, 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 the appellants corresponded with the Council prior to its decision. I recognise that the existing building is in a poor, dilapidated condition and is subject to subsidence. The appellants intend to reside in one of the new buildings and they indicate that an additional dwelling on the site is needed for viability reasons. The site is also located within a built-up and accessible area with access to local services and facilities, while off-street parking would be provided and there is no highway objection from the Council. The development would provide an additional dwelling, make more use of previously developed land, and would provide high-quality family sized homes with generous

external amenity space. There would therefore be some social and economic benefits arising from the development.

17. The appellants' Planning Statement sets out that the Council is unable to provide a 5 year supply of housing sites. It indicates there is a shortfall of between 184-224 houses, equating to up to 1.4 years. The appellants' final comments refer to an even greater shortfall than this. The Council has not disputed that they are unable to provide a 5 year supply of housing sites. This indicates that development plan policies for the supply of housing in the area are not up-to-date. However, the development plan policies that I have found a conflict with relate to the quality of development and the surrounding environment rather than strictly to the supply of housing. 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. Accordingly, I consider there is no reason why the development plan's policies that are most important for the determination of this appeal should not, in this instance, be accorded very substantial weight.
18. Although the development would make a small contribution to the supply of housing in the area, the contribution would be negligible given the scale of the development. I therefore consider that the social and economic benefits associated with the development 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 are considered to relate to housing supply, 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.
19. A number of neighbours have raised other concerns in relation to the development. 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**

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

*Tobias Gethin*

INSPECTOR