

Application Number and Registration Date	MO/2018/0538 (Detailed Major) 22-Mar-2018
Applicant	Mr A Howell, Buxworth Homes Limited
Case Officer	Mr Aidan Gardner
Amendments /amplifications	
Committee Date	4 July 2018
Ward(s)	Leatherhead North
Proposal	Removal of existing detached dwelling and erection of 10 No. Apartments in a single building, vehicular and pedestrian access, car and secure cycle parking, landscaping and servicing.
Site Description	Two Ways, Oxshott Road, Leatherhead, Surrey, KT22 0EG

RECOMMENDATION: Approve subject to conditions

Summary

The site lies on the western side of Oxshott Road, Leatherhead, within the Built Up area and accommodates a detached bungalow standing within a deep plot. To the north is a ribbon of residential development, whilst to the south and east respectively are a superstore (Tesco's) and DIY store (B&Q). The western boundary adjoins land within the Green Belt. In February 2017, permission was refused for a development of 10 flats following the demolition of the existing dwelling. The grounds were overdevelopment and adverse impact on adjoining properties. A subsequent appeal was dismissed. The current proposal is for a revised design of building which incorporates reductions in scale, massing and window design and placement so as to address the issues for concern. It is considered that the revisions provide a form of development which would not now have a harmful impact in these respects. Permission is therefore recommended.

- 3.3. Turning to the application site, in 2014, permission was refused for the erection of a detached bungalow at the rear of the site, with access from Oxshott Road following the demolition of the existing garage to Two Ways (MO/14/0847). The grounds for refusal were cramped overdevelopment, out of keeping with the area and detrimental to the future occupants of the proposed bungalow. A subsequent appeal was dismissed, the Inspector sharing the Council's concern on both issues.
- 3.4. In 2016, an application was submitted for the replacement of the existing building with a three storey building plus lower ground floor to create 10 No. 2 bedroom flats. The proposed building was set on approximately the same front building line as the existing dwelling in a 'T' form configuration with the rear most element standing approximately 12.3 metres further back into the site. A forecourt for ten parking spaces was provided. A comparative building footprint is indicated below.



- 3.5. A streetscene perspective of the previously refused proposal is shown below, viewed from the south east, with 1 Maple Tree Court visible beyond.



Proposal refused under ref. MO/2016/1793

- 3.6. Permission was refused on the grounds of overdevelopment and adverse impact on the amenities of adjoining properties, specifically Nos. 1 and 5 Maple Tree Court. An appeal was dismissed in August 2017. A copy of the appeal decision is attached.

- 3.7. The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area and on the living conditions of nearby occupiers.

Character issue explored by Inspector

- 3.8. It was noted that, whilst the adjacent houses had a similar arrangement in terms of accommodating the top storey within the roof slope, unlike these dwellings, the proposed top storey of the flatted development was designed as a full additional storey, despite being articulated to appear as a roof (Paragraph 5). This added considerable bulk and massing which was exacerbated by the building flanks. It was also noted that the proposal occupied much of the site creating a constrained appearance within the appeal plot. The proposal appeared uncharacteristically large within the site and would have been out of keeping with the existing modestly sized residential development. The Inspector did not consider that the harm she had identified could have been mitigated by landscaping conditions. (Paragraph 6)
- 3.9. Turning to the frontage treatment, the Inspector noted that the proposed parking, cycle and refuse storage facilities would occupy almost the entire site frontage. However, these features would be screened behind a high wall and the Inspector noted that this arrangement was used on neighbouring sites. For this reason, it was not considered that this element of the proposals would have been harmful. (Paragraph 7).
- 3.10. The Inspector's attention was drawn to the Maple Tree Court development to the north. However, she considered that there were material differences between the two cases. (Paragraph 8).

Living conditions

- 3.11. The Council's main concerns in this regard were the impact on Nos 1 and 5 Maple Tree Court. Nos. 1 stands along the frontage with 5 located to the rear.
- 3.12. Concerning No. 1, the Inspector noted that the proposed development would be in close proximity to this existing dwelling, notwithstanding the rear projection being stepped away from the common boundary. She continued: *'The large, tall development would be clearly visible in the outlook from the rear internal habitable living space of the adjoining property, despite there being trees along the boundary. The proposed development would be extremely dominant and oppressive in their outlook and would harm the living environment of these adjoining occupiers.'* (Paragraph 13).
- 3.13. The Inspector was also concerned about loss of privacy from the bedroom windows proposed in the northern elevation of the flats. (Paragraph 14).
- 3.14. Turning to No. 5 Maple Tree Court, the Inspector noted the existence of tall trees along its rear boundary. By reason of this screening, there would not be harm caused to the occupants. (Paragraph 15).

Other matters

- 3.15. The Inspector stated: *'The proposed development would create new housing within the urban area in a sustainable location and of a sustainable design and construction. The two bedroom apartments could meet a potential need for this type of accommodation in the District. The development would provide employment during construction and its occupation would contribute to the revenue of the District. I acknowledge that the proposed development would achieve appropriate parking, access, cycle and refuse storage standards and surface and foul drainage would be put in place. Furthermore,*

the proposal would not raise ecology concerns and trees would be retained and could bring about improved biodiversity and landscaping.'

Current proposal

3.16. The current application has been submitted in an attempt to address the concerns raised by the Council and Inspector. Once again, it is a scheme of 10 flats with parking forecourt. However, modifications have been carried out to reduce and massing and scale of the proposal and to reduce the impact on the adjoining property. The following modifications have been carried out:

- Reducing the height and scale of the proposed building;
- Reducing the width of the building both in terms of its elevation and also the rear wing;
- Repositioning the building and the rear wing closer to the boundary with the adjacent supermarket car park and thereby increasing the separation distance between the building and 1 Maple Tree Court;
- Reconfiguration of the roof form to lower the scale, bulk and mass of the building and to tie it in more closely to the architecture of adjacent houses to the north;
- Reconfiguration of internal floorspace and positioning/orientation of habitable rooms to remove windows to the side elevation of the building;
- Provision of high level and obscure glazed windows to all side facing bathrooms and circulation areas;
- Change of dwelling mix as a result of the above amendments resulting in a higher proportion of smaller units.

3.17. The front and rear elevations of the building are shown below, with the outline of the previous scheme marked in red. The elevation also shows the building in context with its neighbours:



3.18. The side elevations are indicated below:



1 - Proposed Side Elevation
1:1000
1:1000



2 - Proposed Side Elevation
1:1000
1:1000

3.19. The lower drawing shows the north eastern elevation facing towards 1 Maple Tree Court. The fenestration has been redesigned so that windows are either high level opening, obscurely glazed or a combination of both.

3.20. As before, the proposals include a parking forecourt with ten parking spaces, together with refuse and cycle storage provision. A new vehicular access is proposed centrally within the frontage.

3.21. The materials would comprise a mix of white render and bricks to the elevations and plain tiles to the roof. A coloured street elevation is shown below which shows the materials palette.



Proposed Front Street Elevation



- 3.22. The housing mix comprises 3 No. one bedroom flats and 7 No. two bedroom flats.
- 3.23. The application is accompanied by design and access statement, ecology survey, tree survey, highway report, drainage report and sustainability report.

4. Consultations

- 4.1. SCC Highways: No objections are raised subject to the imposition of conditions as noted below.
- 4.2. Environmental Health – Recommend condition (noise survey). No requirements as regards contamination.
- 4.3. Surrey Wildlife Trust – SWT is satisfied with the submitted ecology report. Should the Council be minded to approve, the applicant should be required to undertake all the recommended actions presented in the report.
- 4.4. Surrey Police Crime Prevention Design Advisor – Has noted that a single point of access is proposed which is a positive feature as it reduces incidence of unwanted trespass.
- 4.5. Tree Officer – No views received. However, raised no arboricultural concerns in respect of the previous application.
- 4.6. Drainage consultant – In initial response, advised that drainage strategy was required. Upon receipt of this report, confirmed report acceptable.
- 4.7. Environmental Services - No concerns provided the bin store is positioned where it is on the plan and the dropped kerb remains.

Officer comment: A new access and dropped kerb is proposed

5. Representations

- 5.1. Nine representations have been received, in which the following summarised points are raised:-

- Proposal makes no provision for larger dwellings. There is more need for family houses in area;

Officer comment: The appeal Inspector had no concerns over the housing mix under the previous application (10 No. 2 bedroom flats)

- Insufficient off-street car parking;
- No room for visitors or provision for turning if car park is full leading to vehicles having to be backed out onto road, which would be highly dangerous;
- Danger and disruption during the construction phase;

Officer comment: A Method of Construction Statement condition is recommended.

- Insufficient room for cars to turn and leave in forward gear;

Officer Comment: The layout has been reviewed with SCC Highways and they are content with the layout,

- Loss of privacy, light and outlook to adjoining properties;

- A development of two houses would be more in keeping with area;
- Overdevelopment of the site with building taller than neighbouring properties;
- Differences between proposal and refused scheme are minor;
- Refuse would have to be collected from the street;

Officer comment: This is the case and Environmental Services are content with this arrangement. (See 4.7 above);

- Smell from refuse bins would affect neighbouring properties;

Officer comment: This was not raised as an issue by the appeal Inspector;

- Conflict with Development Plan policies;
- Tree planting should be introduced along the boundary;

6. Main Planning Policies

6.1. Government Guidance

National Planning Policy Framework (NPPF)

Section 6: Delivering a wide choice of high-quality homes

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment.

6.2. Mole Valley Core Strategy

CS1 – Where Development will be directed.

CS2: Housing Provision and Location

CS3 – Balancing Housing Provision

CS14 – Townscape, Urban Design and the Historic Environment

CS19 – Sustainable Construction, Renewable Energy and Energy Conservation

CS20 – Flood Risk Management.

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria

ENV23 – Respect for setting

ENV24 – Density of development and space about buildings

ENV25 – Landscape Design of New Developments

MOV2 – Movement implications of new development

MOV5 – Parking standards

6.4. Other Documents

Built up Area Character Appraisal for Leatherhead

7. Main Planning Issues

7.1. The main planning issues for consideration are:

- The principle of the development
- Effect on the character and appearance of the area
- Impact on the amenities of adjoining properties

- Traffic and parking
- Trees
- Drainage

The principle of the development

- 7.2. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking.
- 7.3. Policies CS1 and CS2 advise that new development will be directed towards previously developed land within the built up areas of Leatherhead and Dorking. The site lies within the built up area of Leatherhead. As referred to earlier, the appeal Inspector considered that the proposed development would create new housing within the urban area in a sustainable location and of sustainable design and construction.
- 7.4. Policy CS3 of the Core Strategy, 'Balancing Housing Provision' states that 'the Council will particularly seek the provision of two and three bedroom dwellings suitable for occupation by all sectors of the community including newly formed households, young couples and expanding families.' The proposal is for 7 No. two bedroom units and 3 No.1 bedroom units and therefore makes a contribution to the requirement.
- 7.5. It is considered that the principle of redeveloping the site for residential purposes accords with adopted Core Strategy policies CS1, CS2 and CS3.

Effect on the character and appearance of the area

- 7.6. Mole Valley Core Strategy policy CS14 advises that all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available. This will be assisted through the work on Built-up Area Character appraisals.
- 7.7. Mole Valley Local Plan policy ENV22 'General Development Control Criteria' sets out seven general criteria for sound development control practice. Criterion 1 requires that development should be appropriate to the site in terms of its scale, form and appearance. Criterion 2 requires that the proposal does not significantly harm the amenities of neighbouring occupiers by reason of overlooking or its overshadowing or overpowering effect. Criterion 3 requires that development should respect the character and appearance of the locality. Criterion 4 - that it should respect important features of the site including trees and hedging; criterion 5 – that it should provide necessary screening and landscaping suitable to the character of the locality and criterion 6 – that access and parking arrangements are adequate
- 7.8. Mole Valley Local Plan policy ENV23, Respect for Setting requires that development should take account of the scale, character, bulk and proportions of the surrounding built environment, and that it should not comprise overdevelopment in relation to the size of the plot and/or surrounding developments. Criterion 3 requires that new development has regard to established townscape features, including the space around buildings.
- 7.9. Mole Valley Local Plan policy ENV24 advises that development will not be permitted where it would result in a cramped appearance having regard to the general spacing around buildings in the locality.
- 7.10. The site lies in a part of Oxshott Road which mainly comprises detached and semi-detached housing. However, the area is mixed in character with the commercial premises opposite, adjacent to the south and further beyond. Moreover, the presence

of large retail premises marks this location as an area of transition. For this reason, the principle of a building containing flats is not felt to be inappropriate. This was a conclusion shared by the appeal Inspector.

7.11. The concerns in the previous scheme lay around the form and massing of the proposal, which was felt to be bulky and cramped on its plot. Additionally, there were concerns about the design of the building. The building was on three storeys, and four at the rear, taking into account the falling ground levels. However, unlike the neighbouring houses, the top storey appeared as a fully expressed third storey rather than incorporating rooms in the roof. This was specifically mentioned as an aspect of concern by the appeal Inspector.

7.12. The applicant has sought to address this by proposing revisions to the design of the building. The proposed and refused front and rear elevations are shown below.



Proposed Front Elevation

Current proposal (front)



Previously Refused Front Elevation

Refused application (front)

7.13. As can be observed, the revisions create a building with the appearance more of a two and a half storey (two storeys with rooms in the roof) rather than the fully expressed three storey design, an issue which was of concern to the Inspector. The omission of the three front gables would also serve to reduce the vertical emphasis of the building. The incorporation of dormers would be in keeping with features found on the Maple Tree Court development to the north. The roof design is also simplified with fewer pitches, creating a less fussy appearance which would relate better to the adjacent houses. The roof height has been reduced by some 500mm.

7.14. Revisions have also been carried out to the rear part of the building. The rear element has been moved southwards to increase the size of the communal garden and the separation between the building and the boundary with 1 Maple Tree Court. The rear element has also been designed to appear more as a two and a half storey building. This would also significantly reduce the bulk of the building which is presented to the neighbouring property, as shown below.



Proposed north elevation

Refused side elevation

7.15. As can be seen, as well as reducing the amount of building presented to the neighbour, the level of fenestration is also significantly reduced.

7.16. The Inspector commented at paragraph 6 about the proposal being prominent in the street scene, particularly, when travelling towards the site from the north. The changes to the roof design would reduce the visual impact owing to the hipped roof form and lower eaves height. When approaching from the south, the view would be across the car park to the Tesco superstore. Some screening would be offered by hedging along the eastern boundary with trees in the car park behind. However, for pedestrians and drivers, the eye would be drawn by the considerable bulk of the large B&Q store which stands close to the road frontage and is highly prominent.

7.17. It is accepted that the proposal remains a significantly larger building than the neighbouring properties to the north. However, as has been previously stated, the site lies in a location that has a varied character derived from the presence of the large nearby retail establishments. As such, it is considered that a flatted development would not be inappropriate, a view shared by the appeal Inspector. Certain aspects of the design, however, were identified as cause for concern, particularly in terms of its form and bulk. It is considered that the revisions to the design have created a form of development that could now be accommodated without resulting in material harm to the character of the area.

Impact on the amenities of adjoining properties

7.18. The appeal Inspector's concerns in this aspect related to the adjacent property, 1 Maple Tree Court. Regarding No. 5 Maple Tree Court, the Inspector considered the impact was rendered acceptable due to the separating distance, the oblique relationship between buildings and the existence of trees. The southern elevation would face the Tesco car park.

7.19. Regarding 1 Maple Tree Court, this property is a two storey house and the southern flank elevation (facing the site) contains two windows to the ground floor, one first floor habitable room window and a dormer on the roofslope above, serving a bathroom. The refused scheme contained a number of windows facing 1 Maple Tree Court (see 7.17 above), including bedrooms. The current proposal incorporates a number of revisions to the layout aimed at improving the relationship, as set out below:

- proposal moved further away from the joint boundary to increase separation;
- height and scale of building reduced through amended roof design and profile;

- revisions to internal layout to reduce number of windows to northern elevation;
 - any windows to northern side elevation either openable only at high level (1.7 metres above floor level, obscurely glazed or a combination of both).
- 7.20. It is considered that the reduction in bulk, the increased separation between buildings and the changes to the fenestration would considerably improve the relationship with 1 Maple Tree Court. The nearest part of the proposal would stand some 6 metres from the side of no. 1, increasing to 12 metres for the rear element. The rear corner of the proposal would not project through a 45 degree line taken from the edge of the nearest window at the rear of 1 Maple Tree Court.
- 7.21. It is concluded that the proposal would now not have a harmful impact on the amenities of the adjoining property. Conditions are recommended to control the form of the fenestration to the northern boundary.

Highways and refuse

- 7.22. Core Strategy policy CS18 advises that the availability of travel options and access will be given significant weight when considering development proposals. Policy MOV2 of the Local Plan advises that new development should make appropriate provision for, amongst other things, off-street parking and vehicular access and egress. Policy MOV5 of the Local Plan seeks to ensure that the County Council's parking standards are applied as maxima.
- 7.23. It is recognised that the site lies in an urban area, reasonably close to Leatherhead town centre, adjacent to a superstore and public transport services. It is therefore sustainable in these terms. The development proposes a total of 10 parking spaces to serve the 10 units which would meet the Council's standards. The County Highway Authority has responded recommending conditions.
- 7.24. It is concluded that the proposed development accords with Local Plan policies MOV2 and MOV5, Core Strategy policy CS18 and the NPPF.
- 7.25. Concerns have been raised over the refuse servicing being taken at the roadside. However, this is considered an acceptable arrangement by Environmental Services.

Trees, drainage and ecology

- 7.26. The application is accompanied by a Tree Report and Tree Protection Plan. The Tree Officer raised no objections to the last application. Most of the trees are concentrated within the rear part of the site. None are considered to be of significant public amenity. A condition is recommended that would require the submission of a landscaping scheme.
- 7.27. The Council's drainage consultant raised concerns at the start due to the absence of a drainage strategy. However, he is content with the report that has been subsequently submitted.
- 7.28. An ecology report has been provided with the application and Surrey Wildlife Trust is content with its findings.

Community Infrastructure Levy.

- 7.29. The proposal would be liable for the Community Infrastructure Levy.

Conclusion

- 7.30. The proposal has been modified from the previous design and it is considered that these changes have improved the form and appearance to one that would now neither detract from the area nor adversely affect residential amenities. The site lies in a sustainable location within the built up area close to shops and services and provides satisfactory parking for the occupiers. The proposal would also provide a number of smaller dwellings for which there is a recognised demand.

8. Recommendation

Permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and the applicant 's drawing number schedule dated 14/06/18 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. Before any above groundworks take place details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority including planting of trees, shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

Reason: To ensure the provision and maintenance of trees, other plants and grassed areas in the interests of visual amenity and in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS15 of the Mole Valley Core Strategy.

4. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

5. Before any above ground works commence, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning

Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.

Reason: To preserve the visual amenity of the area and prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

6. Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.

Reason: To optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy.

7. The recommendations set out within the applicant's ecological survey by ASW Ecology dated October 2016 and submitted in support of the application shall be carried out in full before the development is occupied.

Reason: To safeguard the ecological interest of the site, in accordance with Mole Valley Local Plan policy ENV13, Mole Valley Core Strategy policy CS15 and the National Planning Policy Framework.

8. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the 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.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and, in the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

9. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Oxshott Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in recognition of Section 4 "Promoting Sustainable Transport " in the National Planning Policy Framework 2012, and policies MOV2 and MOV5 of the Mole Valley Local Plan.

10. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in recognition of Section 4 "Promoting Sustainable Transport " in the National Planning Policy Framework 2012, and policies MOV2 and MOV5 of the Mole Valley Local Plan.

11. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) measures to prevent the deposit of materials on the highway has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in recognition of Section 4 "Promoting Sustainable Transport " in the National Planning Policy Framework 2012, and policies MOV2 and MOV5 of the Mole Valley Local Plan.

12. The development hereby approved shall not be first occupied unless and until facilities have been provided in accordance with the approved plans for the secure parking of bicycles within the development site.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in recognition of Section 4 "Promoting Sustainable Transport " in the National Planning Policy Framework 2012, and policies MOV2 and MOV5 of the Mole Valley Local Plan.

13. The development hereby approved shall not be first occupied unless and until existing access from the site to Oxshott Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in recognition of Section 4 "Promoting Sustainable Transport " in the National Planning Policy Framework 2012, and policies MOV2 and MOV5 of the Mole Valley Local Plan.

14. The sill height of the first floor windows and rooflights in the north western elevation of the development hereby permitted shall not be less than 1.7 metres above internal floor level and thereafter permanently retained in that condition.

Reason: To protect the amenity and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

15. Prior to the first occupation the non-openable elements of the windows in the north western elevation of the development hereby permitted shall be fitted with obscure glass as shown on the approved plan PR 203 and permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

16. The refuse and recycling storage facilities, as shown on the approved drawings, shall be made available for use prior to the first occupation of the dwellings hereby permitted and, thereafter, shall be permanently retained as such.

Reason: In the interests of the amenities of the area, in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

17. No development shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of each building, and the finished levels of any access road and driveway showing their relationship with the existing levels of the immediately adjoining land and buildings, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and to protect the amenities and privacy of adjoining properties in accordance with Mole Valley Local Plan policy ENV22.

18. Prior to the commencement of any above ground works, a scheme to demonstrate the internal noise levels within the residential units, and the external noise levels in back garden and other relevant amenity areas from road traffic noise from the M25 shall be undertaken by a suitably qualified person. The scheme of noise monitoring and sound insulation shall take due account of Lmax and the standard to be achieved shall conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To ensure a satisfactory environment for future occupiers of the new development in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy

19. No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected/retained. The boundary treatment shall be completed prior to the first occupation of the development, shall be carried out in accordance with the approved details and thereafter permanently retained as such.

Reason: To preserve the visual amenity of the area and protect neighbouring residential amenities in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

Informatives

1. The applicant is reminded that the demolition and construction stage of the proposed development may give rise to problems of smoke pollution and/or noise, which will depend on the measures taken to control such potential problems. It is, therefore, strongly recommended that you contact the Council's Environmental Health Department at an early opportunity in order to discuss appropriate measures to be adopted for control of burning, noise and other potential problems for neighbouring residents.
2. In the interests of sustainability and the reduction of waste your attention is drawn to the desirability of recycling building materials wherever possible. The demolition or dismantling of structures on the site should be considered as part of the development process to maximise the reuse or recycling of materials rather than disposal as waste. For further information about re-use and recycling of building materials, the applicant is advised to ring the Surrey County Council Contact Centre on 03456 009009.
3. The clearance of vegetation by burning is likely to give rise to problems of smoke nuisance. The applicant is therefore encouraged to remove such green waste from the site in order that it may be recycled through composting, chipping, waste to energy transfer (alternatively, logging) or other similar processes.
4. The development is likely to offer some opportunities to restore or enhance biodiversity; such measures are in line with the NPPF, will assist the Local Authority in meeting their duty under the Natural Environment and Rural Communities (NERC) Act 2006 and also help offset any localised harm to biodiversity caused by the development process. Guidance on suitable measures is set out in Surrey Wildlife Trust's letter dated 01/05/18, which can be viewed on the Council's website.
5. The applicant is advised that the approval of details and/or samples required by conditions 3 - 6, 8, 11 and 17 - 19 above is subject to a fee, details of which may be viewed on the Council's website under the planning pages.

The fee may cover more than one condition where the details are submitted at the same time. Where subsequent submissions are made, a further fee will be payable per individual submission. The fee should be paid at the time of submission of the formal request.

PLEASE NOTE that this approval process may take up to 8 weeks from the date of the request. Applicants are therefore advised to submit requests in a timely manner.

6. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.

Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs

7. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. The applicant's attention is drawn to the Party Wall Act 1996 and the obligations that this legislation places on persons carrying out building works. Further information on the Party Wall Act can be found from <http://www.legislation.gov.uk/ukpga/1996/40/contents> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf



Appeal Decision

Site visit made on 31 July 2017

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2017

Appeal Ref: APP/C3620/W/17/3173432

Two Ways, Oxshott Road, Leatherhead KT22 0EG

- 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 Adam Howell on behalf of Buxworth Homes Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1793/PLAMAJ, dated 7 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is demolition of existing detached dwelling and erection of 10 no. apartments in a single building, vehicular and pedestrian access, car and secure cycle parking, landscaping and servicing.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the proposed development are the effect on: -
 - (a) The character and appearance of the area; and
 - (b) The living conditions of nearby occupiers.

Reasons

Character and appearance

3. The appeal site is situated to the western side of Oxshott Road. To the south are a Tesco retail store and a number of other retail and commercial premises. The mature landscaping relating to the Tesco site abuts the appeal site on its southern boundary. To the north are predominantly two-storey detached and semi-detached properties, some with accommodation within the roof slope, set back from the highway behind front parking areas and gardens. I observed that the appeal site relates more closely to this residential streetscene.
4. The proposed building would be constructed approximately 2m from the side boundaries and would occupy almost the full width of the appeal site. Taking advantage of the sloping site, it would comprise a three storey building to the front, with the top storey accommodated in a shallow roof, and four storeys to the rear.

5. Whilst the adjacent houses have a similar arrangement in terms of accommodating the top storey within the slope of the pitched roof, unlike these dwellings the proposed top storey of the proposed flatted development is designed as a full additional storey, despite articulated to have the appearance of a roof. As a result this third storey adds considerable bulk and massing to the proposed development. This is emphasised on the flank ends of the proposed building as the top floor would appear as a clear third storey. The footprint of the proposed development, whether narrower than the existing dwelling or not, would position the proposed development close to the boundaries either side of the site. Taking these matters together, the proposal would create a building of substantially greater size and mass to that of other properties within this streetscene and have a constrained appearance within the appeal plot.
6. The proposed development, whilst re-using the site for residential purposes, would appear uncharacteristically large within the appeal site and would be out of keeping with the existing modestly sized adjoining residential development that characterises this locality. This would cause visual harm to this streetscene. This harm would be clearly visible when travelling along Oxshott Road, particularly in a southerly direction. I do not consider that this harm could be mitigated by imposing a hard and soft landscaping condition.
7. The proposed parking, cycle and refuse storage facilities would occupy almost the entire site frontage but these would be positioned behind a high front wall. I observed that the front gardens and parking forecourts of neighbour dwellings are similarly contained behind front boundaries. I therefore do not consider the parking area and storage facilities would be visually apparent in public views. Furthermore, the front boundary wall would not be appreciably different to those of other properties along this part of Oxshott Road.
8. I accept that a comprehensive redevelopment has taken place at Maple Tree Court. Nonetheless, this adjoining development has a planned appearance and the frontage development comprises two modestly sized two storey detached dwellings with the first storey within the roof pitches. There is separation to the side boundaries of the site and between the dwellings. That adjoining development is of a markedly different type and appearance to that of the large apartment development proposed at the appeal site. Whilst the development at Maple Tree Court has created dwellings to the rear of the site behind the road frontage dwellings, it is generally a low density development. To my mind, it would not justify a development at the appeal site of the size proposed.
9. My attention has also been drawn to a development currently taking place to the northern end of this row of dwellings. Whilst that development occupies almost the full width of the site, I observed that the height and depth of the road frontage building, along with the ridge and eaves heights, more closely reflected that of the adjacent property. That is not the case here.
10. The appellant has drawing my attention to the Council's adopted Supplementary Planning Document (SPD) 'Built Up Areas Character Appraisal Leatherhead'. I acknowledge that the SPD recognises opportunities for further development and redevelopment in the character appraisal area but I have not been directed to any particular advice relating to this part of Oxshott Road. I note the Council has not referred to this document in its decision notice.

11. For the reasons set out further above, the proposed development would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy CS14 of the Mole Valley Core Strategy and Policies ENV22, ENV23 and ENV24 of the Mole valley Local Plan which seek new development to be appropriate in terms of its scale, form, bulk and to respect the character and appearance of the locality and the proportions of the surrounding built environment, amongst other matters.

Living conditions

12. The proposed development would be a large building and would incorporate a four storey projection to the rear that would extend deep into the rear garden.
13. Considering the proposed effect upon the adjoining occupiers at No 1 Maple Tree Court, the proposed development would be in close proximity to this existing dwelling, notwithstanding the proposed rear projection being stepped away from the common boundary. This large, tall development would be clearly visible in the outlook from the rear internal habitable living space of this adjoining dwelling and from the garden, despite there being trees along the common boundary. The proposed development would be extremely dominant and oppressive in their outlook and would harm the living environment of these adjoining occupiers.
14. Outlook from the existing first floor habitable room at the side of No 1 would be toward bedrooms within the proposed development. Outlook from these bedrooms would create harmful overlooking of the living environment of this existing adjoining dwelling and toward its private rear garden and patio. This would be harmful to the living conditions of these occupiers.
15. With regard to No 5 Maple Tree Court this dwelling has a row of tall tightly positioned trees along its rear boundary. This, in my opinion, would shield the proposed development in views from this dwelling and its rear garden and would prevent harm to the living environment of the occupiers of this dwelling.
16. For the above reasons the proposed development would have a harmful effect on the living conditions of the adjoining occupiers at No 1 Maple Tree Court. The proposed development would therefore conflict with Policy ENV22 of the Mole Valley Local Plan which seeks to ensure that new development does not significantly harm the amenities of the occupiers of neighbouring properties, amongst other matters.

Other Matters

17. The proposed development would create new housing within the urban area in a sustainable location and of sustainable design and construction. The two bedroom apartments could meet a potential need for this type of accommodation in the District. The development would provide employment during construction and its occupation would contribute to the revenue of the District. I acknowledge that the proposed development would achieve appropriate parking, access, cycle and refuse storage standards and surface and foul drainage would be put in place. Furthermore, the proposal would not raise ecology concerns and trees would be retained and could bring about improved biodiversity and landscaping.

18. Although these are benefits of the proposed scheme, they do not outweigh my findings above in respect of the main issues or justify the proposed development.
19. A number of residents close by have raised other concerns in relation to the proposal, including parking provision and highway safety, but in view of my conclusion on the main issues, there is no need for me to address these in the current decision.

Conclusions

20. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR