



Appeal Decision

Site visit made on 5 April 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2019

Appeal Ref: APP/C3620/W/18/3207747 204 Lower Road, Bookham KT23 4AT

- 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 D Norman against the decision of Mole Valley District Council.
 - The application Ref MO/2018/0729/PLA, dated 20 April 2018, was refused by notice dated 6 July 2018.
 - The development proposed is described as the 'demolition of four-bedroom chalet bungalow and detached garage and construction of new four-bedroom dwelling house and new car part'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and detached garage and erection of a replacement two storey house with basement at 204 Lower Road, Bookham KT23 4AT in accordance with the terms of the application, Ref MO/2018/0729/PLA, dated 20 April 2018, subject to the conditions set out in the schedule to this decision notice.

Application for costs

2. An application for costs was made by Mr D Norman against Mole Valley District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's decision notice describes the appeal proposal as 'demolition of existing bungalow and detached garage and erection of a replacement two storey house with basement'. The main parties have also confirmed that the car port, shown in one of the appeal documents, does not form part of the appeal proposal. This revised description of development therefore more accurately describes the appeal proposal. I have considered the appeal on this basis and used this description for the purposes of my decision.
4. The Council recently granted planning permission Ref MO/2018/1731 for a replacement dwelling with three bedrooms at the site. The main parties were offered the opportunity to comment on its relevance to this appeal.
5. The National Planning Policy Framework (the Framework) was revised in 2018 and again in 2019. I have taken any comments the main parties have made in relation to the former into account, and as the policies that are most relevant to this appeal have not materially changed in the latter, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

6. The main issue is whether the development's housing mix would be appropriate.

Reasons

7. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Bookham Neighbourhood Development Plan 2015 - 2026 (BNDP) forms part of the development plan.
8. Policy BKH1 of the BNDP states that 'Within the Central Area new homes should have no more than three bedrooms...'. The supporting text also identifies a need for suitably located smaller homes for people to downsize and for new families.
9. The site is located in the Central Area and the appeal proposal would involve the erection of a four-bedroom dwelling. The development would therefore be contrary to Policy BKH1 of the BNDP in that particular regard.
10. However, the development would replace an existing dwelling and although it would have a greater floorspace than the existing, it would not result in the provision of a new additional home. A new, replacement dwelling on the site has also recently been granted planning permission by the Council (Ref MO/2018/1731). Complying with Policy BKH1, that dwelling would have three bedrooms. However, from the evidence before me, it would have a similar size and appearance as the appeal proposal.
11. Furthermore, from the evidence before me and confirmed by my observations on site, the existing dwelling contains four bedrooms. It could also be increased in size through permitted development rights, thus potentially creating a larger dwelling which would be less suitable for people downsizing and new families.
12. It seems to me that the development, providing the same number of bedrooms as per the existing situation and of a similar scale of development to that recently approved, would therefore have a neutral effect on the mix of dwellings, by size, in the Central Area. In this context, the proposed four bedroom replacement dwelling would therefore not appear to be manifestly inappropriate.
13. I therefore find that the above material considerations, in this instance, outweigh the limited conflict with the development plan that I have identified and indicate that permission should be granted notwithstanding that the development does not accord with Policy BKH1 of the BNDP.

Other matters

14. I have little evidence that the development would require an affordable housing contribution. With each case considered on its own merits, allowing this proposal would also not set a precedent.
15. Given the development's size, position and layout, including in-set balcony, and existing boundary treatment including fencing and soft landscaping, I am satisfied that it would not harm the living conditions of adjoining occupiers, including with regards to overlooking and dominance. However, given the proximity of surrounding properties, a condition restricting permitted

development rights is necessary in order to avoid such future works harming the living conditions of adjoining occupiers. Such a condition would ensure that any future development on the site would require a planning application, where its effects could be fully considered as relevant, at that point.

16. I recognise neighbours' concerns regarding potential structural issues arising from construction works. However, this is a civil matter and I have limited my consideration to the planning matters raised by the appeal. I acknowledge that construction works would introduce some disturbance, including from noise and vibration. However, the works would be short term. The site also has sufficient space to avoid construction vehicles creating significant parking and traffic issues on the highway.
17. The proposed dwelling would be set slightly forward of and be larger than the existing property. However, the dwelling's set-back from the front of the site and the Great Bookham Conservation Area boundary, and existing boundary vegetation even when not in leaf in winter, would limit the development's presence and maintain the area's spaciousness. To ensure the development's external appearance suitably reflects its surroundings, full details of external materials can be secured by condition. Due to existing boundary treatment and separation distances, the development would also be well separated from the listed church and listed buildings on the other side of Lower Road. For these reasons and given the variety of built form in the surrounding area, I am satisfied that the development would not harm the character or appearance of the conservation area or harm the settings of listed buildings.
18. The site is subject to a Tree Preservation Order. However, the prominent trees on the site would be retained, and tree protection measures can be secured by condition. I am therefore satisfied that the development would not harm important trees and I note that the Council's Tree Officer has not objected.

Conditions

19. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and to ensure that details are submitted to and considered by the Council where relevant.
20. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Conditions covering details of external materials and soft landscaping are required in order to maintain the character and appearance of the area. A condition removing permitted development rights under Classes A-C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 is necessary and reasonable in order to protect trees, the character and appearance of the area and the living conditions of adjoining occupiers. This condition, which PPG indicates should only be used in exceptional circumstances, is necessary and reasonable in this instance because of the site's constrained nature given its proximity surrounding residential properties.
21. A condition requiring obscure glazing of the west facing first-floor window is required to protect the living conditions of adjoining occupiers. A condition securing compliance with the wildlife survey report is necessary to ensure wildlife is preserved. A condition to ensure that the parking area within the site

is provided and retained is necessary in order to maintain highway safety. A condition covering carbon emissions and energy details is necessary in order to optimise energy efficiency and renewable energy, in accordance with Policy CS19 of the Mole Valley Core Strategy.

22. Conditions requiring details of hard surfacing and surface water drainage details to be submitted is necessary in order to ensure suitable sustainable drainage is provided. I have also imposed a condition requiring details of existing and finished grounds and floor levels are provided in the interests of certainty. However, I am satisfied that these do not need to be a pre-commencement conditions because activities such as site clearance and excavation could be carried out without hindering any of the reasons for the conditions.
23. A condition is necessary to ensure that tree protection measures are put in place in order to avoid construction works harming trees. This pre-commencement condition has been agreed to by the appellant.

Conclusion

24. For the above reasons, the appeal is allowed.

Tobias Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P 2148- 100 E and P 2148- 101 D.
- 3)
 - a) No development shall take place, including any works of demolition, until tree protective fencing has been erected around each tree or tree group to be retained in the vicinity of the development for the duration of the works in accordance with the recommendations given in British Standard 5837 (Trees in Relation to design, demolition and construction - Recommendations) unless otherwise agreed with the Local Planning Authority. The fences shall remain in place until all construction works have been completed and all construction related equipment, machinery and surplus materials have been removed from the site.
 - b) No hard surfaces, trenches, pipe runs or drains shall be dug within the root protection area of any protected trees retained on the site or land adjoining unless agreed otherwise, in writing, by the Planning Authority; and all such installations shall be in accordance with the advice given in the current National Joint Utilities Group Publication Volume 4 and AAIS (Arboricultural Advisory and Information Service) Practice Note 12.
 - c) No materials of any form shall be stored within the perimeter of the tree protective fencing at any time during the construction process.
 - d) No burning shall take place in a position where the flames could extend to within 5 metres of foliage, branches or trunk of any tree or group to be retained on the site or land adjoining having regard to the size of the fire and wind direction.

- 4) Before any above-ground construction 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 by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved details and provided prior to occupation.
- 5) Before any above-ground construction works commence, details of the hard surfacing to be used within the site shall be submitted to and approved by the Local Planning Authority in writing. 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.
- 6) With the exception of site clearance and demolition, no excavation or construction works shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground and the ground floor slab level of the building, and the finished levels of the access road and driveway showing their relationship with the existing levels of the immediately adjoining land and buildings, have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved levels.
- 7) With the exception of site clearance, demolition and excavation works, no construction works shall take place until details of surface water drainage measures have been submitted to and approved by the Local Planning Authority in writing. 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. The suitability of infiltration methods should be verified (i.e. possible contaminated ground). The approved surface water drainage measures shall be provided prior to first occupation of the development and thereafter managed and maintained in accordance with the approved details.
- 8) Before any above-ground construction works commence, 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 to and approved by the Local Planning Authority in writing. The approved details shall be provided prior to first occupation of the development and thereafter retained.

- 9) Before any above-ground construction works commence, a landscaping scheme including planting of trees, shrubs, herbaceous plants and areas to be grassed shall be submitted to and approved by the Local Planning Authority in writing. 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.
- 10) The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development hereby permitted and thereafter retained for that purpose.
- 11) The development shall be carried out in accordance with the recommendations in the Phase 1 Ecology Survey (ASW Ecology, dated April 2018) submitted with the application.
- 12) Prior to first occupation of the development, the first floor window in the west 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 permanently retained in that condition thereafter.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B and C of Part 1, Schedule 2 shall be constructed other than those expressly authorised by this permission without planning permission having first been granted on an application made for these purposes.

END OF SCHEDULE