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## Appeal Decision

Site visit made on 11 February 2019

by **Mark Reynolds BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> April 2019

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**Appeal Ref: APP/C3620/W/18/3207508**

**Ashcombe House, London Road, Dorking, RH4 1TA**

- 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 Pirt against the decision of Mole Valley District Council.
  - The application Ref MO/2017/1734/PLA, dated 27 September 2017, was refused by notice dated 29 March 2018.
  - The development proposed is demolition of the existing 3 storey corner building at Ashcombe and replacing it with 8 residential units. Additionally, demolition of an existing first floor extension at Fernleigh which had suffered structural damage.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The Council have referenced policy CS14 of the Mole Valley Core Strategy (2009) (CS) and saved policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (2000). These policies, despite their age, are consistent with the National Planning Policy Framework (the Framework) and I therefore attach substantial weight to them.

### Main Issues

3. The main issues are (i) the effect on the character and appearance of the area, (ii) the effect on the living conditions of the occupiers of Fernleigh and Sunnyside, London Road with particular regard to whether the development would be overbearing.

### Reasons

#### *Character and appearance*

4. The appeal site occupies a prominent corner plot, with public facing elevations on to both London Road and Lincoln Road. The largest frontage being along Lincoln Road, where it sits opposite the three storey Lincoln Arms public house. There are a mix of dwelling types and designs in the surrounding area but there is a marked concentration of Victorian/Edwardian pairs of semi-detached properties, fronting the roads adjoining the appeal site. Residential properties typically have reasonably sized linear rear gardens.
5. Having regard to the limited size of plots, the overall quantum of development and its height, scale and massing adjacent to the neighbouring occupants of Fernleigh and Sunnyside to the south, I find that the proposed development

would appear visually cramped. The very modest gardens are significantly smaller than neighbouring gardens and can only be achieved by reducing the overall width of Fernleigh's garden itself. This arrangement would be wholly at odds with the appearance of surrounding plot sizes. Whilst accepting there is no technical guidance in respect of garden sizes, this does not convince me that the proposal would be in keeping with the character or appearance of the area.

6. The proposed cycle parking fronting on to London Road would be a partially enclosed structure, projecting out close to the back edge of the pavement. Ashcombe House is setback from London Road, in common with other neighbouring properties to the south. Whilst the frontage of the site is not enclosed like the front gardens of the neighbours along this section of London Road, the paved area with stepped access does nonetheless create a small space at the frontage which respects the line of buildings in this part of London Road.
7. The cycle parking's timber frame, with vertical posts extending virtually to the back edge of the pavement, would result in the introduction of a visually prominent and alien structure, albeit partially open, on the busy main A24 between Dorking and Leatherhead. Whilst there are other examples of built form close to the highway, this structure would still be at odds with the overall established character of the area. I am not convinced that this harm could be avoided by using a planning condition to further control the size and appearance of the cycle parking and note that the Council raised concerns about the cycle parking through the officer report.
8. Whilst accepting that making an efficient use of land is an aim of local and national policies and that the proposed building would step down to the east, the level of development proposed would still result in significant harm to the character and appearance of the area. That the site is not located within a conservation area, is argued to be previously developed land and includes an area of parking does not mitigate the identified harm. I do not find the existing appearance of the site to be an unsightly visual gap in the street scene.
9. I find conflict with policy CS14 of the CS and saved policies ENV22, ENV23 and ENV24 of the LP which require new developments to respect the existing character and appearance of an area, and advise that developments which have a cramped or over-developed appearance should not be permitted.

*The living conditions of neighbouring occupiers*

10. The proposed building would extend the full length of the rear garden of Fernleigh, much of which would be at 3 storeys in height. The proximity of the building, coupled with its height, massing and length would have a significantly detrimental impact on the living conditions of the occupiers of this neighbouring dwelling. The building would be visually dominant and oppressive resulting in an overbearing impact that would be exacerbated by the proposed reduced garden size at Fernleigh.
11. The development will not significantly affect sunlight and daylight received at Fernleigh given its position to the south of the appeal site but this will not stop the development having an overbearing impact due to its height, massing, length and positioning in relation to Fernleigh.

12. I consider the increased separation distance to Sunnyside, London Road would be adequate to avoid the living conditions of the occupants of this property being significantly harmed by this proposal. The development overall though would contravene LP policy ENV22 which requires new development designs and layouts to avoid causing significant harm to the amenities of the occupiers of neighbouring properties by reason of overpowering effect.

### **Other matters**

13. The Council accepts that it is unable to demonstrate a five year land supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date. The tilted balance is therefore engaged. Paragraph 11 of the Framework provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
14. The Council's latest published 'Five Year Housing Land Supply Annual Review' concludes that the Council is able to demonstrate either a 2.85 year housing land supply of specific deliverable sites using the objectively assessed housing need method. Or alternatively a 2.48 year supply using the local housing need figure as per the standardised methodology. Paragraph 73 of the Framework advises that the supply of specific deliverable sites should be assessed against a Local Planning Authority's local housing need figure where adopted strategic policies are more than 5 years old. In light of this, and the age of the development plan and lack of review in the last 5 years, using the objectively assessed housing need figure of 2.85 years supply would not be appropriate.
15. On the 28 March 2019 the Office for National Statistics published the updated annual affordability ratios (the "House price to workplace-based earnings ratios", covering 2018. The affordability ratio is a component of the standard method for calculating local housing need. The updated annual affordability ratios indicate that the annualised target for housing land supply should be increased to 488 dwellings per annum, providing a target of 2,438 dwellings over the next 5 years without taking into account the buffer.
16. The Council's figures were based upon applying a 5% buffer. Paragraph 73 of the Framework advises that a 20% buffer will be required where there has been significant under delivery of housing over the previous three years. From November 2018, housing performance is measured against the Housing Delivery Test. In this case the Council's housing delivery has been less than 85% of the requisite level, at 77%, therefore a 20% buffer should be applied. When adding the 20% buffer to the increased standardised calculation of local housing need, the Council's housing land supply is reduced to 2.13 years. In this light, the contribution of a net increase of 6 residential units, taking into account the proposed loss of 2 existing units in Ashcombe House, must be attributed significant weight.
17. The site falls within the built-up area of Dorking, close to the railway station and services and facilities, which I consider to be an acceptable location for further housing and whilst parking provision is below the maximum standard it would be adequate, particularly having regard to the removal of the shop. The construction of the development would provide employment and bring economically active people to the area.

18. However, securing good design and developments which provide a high standard of amenity for existing users of areas are also important policies of the Framework. I have found significant harm to the character and appearance of the area and the living conditions of the occupiers of Fernleigh would result, contravening development plan policies. This harm would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development.

**Conclusion**

19. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*Mark Reynolds*

Inspector