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## Appeal Decision

Site visit made on 13 February 2018

**by David Cliff BA Hons MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> April 2018**

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### **Appeal Ref: APP/C3620/W/17/3187875**

### **80a, 86 and 88 Woodfield Lane, Ashted KT21 2BS**

- 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 Giles Pittman against the decision of Mole Valley District Council.
  - The application Ref. MO/2016/1934/PLAMAJ, dated 29 November 2016, was refused by notice dated 12 June 2017.
  - The development proposed is described in the application form as 'demolition of 2no. existing structures and construction of new-build apartments (10no. dwellings)'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of 10.no flats following removal of existing buildings at 80a, 86 and 88 Woodfield Lane, Ashstead, KT21 2BS in accordance with the terms of the application Ref. MO/2016/1934/PLAMAJ, dated 29 November 2016 and subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. The description used in my formal decision above is that subsequently agreed between the appellant and the Council following the submission of the application. It more clearly describes the proposal than the description used in the planning application form. The site address I have used, taken from the Council's decision notice, also more clearly describes the location of the site than that used in the application form.

### **Main Issues**

3. The main issues are:
  - i) The effect of the proposed development upon the character and appearance of the area, and
  - ii) The implications of the proposed lack of on-site car parking provision for local highway conditions and the surrounding environment.

### **Reasons**

#### *Character and appearance*

4. The appeal site is located in a prominent position close to the junction of Woodfield Lane, Barnett Wood Lane and Craddocks Avenue. Surrounding development is fairly mixed in form and design, including modest two storey

- cottages of traditional appearance to the south east, along with other two storey and three storey buildings. An area of open space is located to the west, adjacent to the opposite side of Woodfield Lane.
5. The proposed building steps up from two storeys on either side to three storeys in its central corner section. Therefore, in massing terms it would satisfactorily respect the setting and significance of the existing neighbouring terrace of modest two storey dwellings to the south east, whilst also being generally in keeping with other larger development in the vicinity of the site including other three storey buildings.
  6. Although it would be in a prominent location and would be taller than the immediately adjacent buildings, its height would not be so significantly greater than other buildings to result in it appearing as incongruous within the streetscene. Surrounding building heights vary and the design of the proposed building including varying eaves and ridge heights would satisfactorily integrate with the general form of existing development within the streetscene.
  7. The footprint of the building would occupy a large proportion of the site. Nevertheless, the proposed footprint is only moderately greater than the existing buildings on the site. Existing buildings on and adjacent to the site are positioned immediately adjacent to the footpath. Space for landscaping would be limited. However, located at the edge of the village centre where the pattern of development tends to be less spacious than further afield, this footprint, considered in association with the proposed massing of the building, would not result in any unacceptable impacts upon the existing appearance of the site and its surrounds.
  8. The different heights of sections of the building would add visual interest to the overall development. Coupled with the well articulated elevations, the design of the building would be acceptable in its location adding positively to the mixed form of development in the surrounding area.
  9. The Council's Built up Area Character Appraisal draws attention to the importance of the open space and the need to retain an attractive balance of modest buildings in varied styles with no individual building or style being over dominant. The proposal, replacing existing buildings and on the opposite side of the road, would not challenge the quality of, or the contribution the open space makes to the character and appearance of the area. Whilst it would be one of the larger buildings, it would not be out of place with the mixed form and sizes of buildings in the locality. Replacing existing buildings of limited merit, it would make its own contribution to the character of the area without appearing as dominant or out of place in this location.
  10. The proposal would not result in any harm to the character and appearance of the area. It would accord with the design aims of policy CS9 of the Mole Valley Core Strategy 2009, policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 ('the Local Plan'), policy AS-En3 of the Ashted Neighbourhood Development Plan 2015-2026 ('ANDP') and the National Planning Policy Framework ('the Framework').

#### *Parking Implications*

11. The proposal does not include provision for any off-street parking. This would be contrary to policy AS-H6 of the ANDP which seeks 1 space per one or two

- bedroom unit along with an additional visitor parking space, recognising that excessive on-street parking can restrict the passage of vehicles and pedestrians. Policy MOV5 of the Local Plan also sets out parking standards though states that regard should be given to the accessibility of the location to means of travel other than the private car.
12. There is already an existing shortfall of on-site parking at the appeal site in connection with the existing retail and residential uses at the site. On the basis of the existing uses requiring 8 spaces, the additional shortfall arising from the proposed development would only be 4 spaces (or 5 spaces should No.80 be converted to residential use). In either case the increased parking demand arising from the proposed development would be limited to a small number of vehicles. Given this existing shortfall, the extent of the implications arising from the lack of parking provision for the proposal would be limited. Whilst representations have been made regarding the low parking requirement in relation to existing occupiers, this could change over time.
  13. The site is very close to a range of shops and facilities within the village centre providing for a good proportion of the day to day needs of residents. It is also within comfortable walking distance of Ashted railway station which provides regular services to and from London and other destinations. Furthermore, local bus services are easily accessible providing links to places including Epsom, Leatherhead and Guildford. Though the regularity of bus services is limited in the evening and on Sundays, they still add to what I consider to be a generally good level of accessibility for the site.
  14. Overall, the site has good access to services, facilities and employment and there are practicable alternatives for travel other than by the private car for future occupiers of the proposed development. Consequently, it is realistic to assume that occupiers would not necessarily need to own a car in this location in order to provide for their day to day needs. I understand that the wider area generally has a high relative level of car ownership. However, as the proposed flats are of one bedroom rather than family accommodation and given the good accessibility described above, it is likely that car ownership levels for this particular development would be lower than average within the District. This is a site which is likely to attract some occupiers who do not wish to own a car.
  15. I recognise that it is still likely that at least some of the future occupiers would own a car. However, taking account of the evidence before me, it appears that there would be a sufficient amount of on-street parking available within comfortable walking distance of the site to accommodate the limited increase in parking demand arising from the development. In this respect I note the arguments made regarding the peak parking time being during the daytime in the week. I noted at my site visit during midweek daytime that a reasonable amount of spaces were available within comfortable walking distance of the site. There is no detailed evidence before me which proves that there is not sufficient parking available for this development.
  16. I also consider it likely that, whilst parking demand is at its highest during the daytime, the largest demand for parking from the occupiers of the development who choose to use a car would be during the evenings, night-time and at weekends when more spaces are available. I have also considered the possibility of further parking controls being introduced by the Council.

Nevertheless, the limited increase in parking demand arising from the development would mean that it remains likely that adequate off street parking would be available to meet the demands of this development.

17. I also note that the Highway Authority has not raised any objections on the ground of local highway conditions. Whilst this does not bind my consideration of this matter, from all the evidence before me I do not consider it likely that any significant implications would arise. There are also sufficient spaces available to prevent the need for any unauthorised parking. In any case, unauthorised parking would be capable of being enforced against. Overall, given the limited increase in demand likely to result from the proposal, I am satisfied that the availability of unrestricted parking in the area would satisfactorily provide for the parking needs of the proposed development.
18. Whilst occupiers would need to locate vacant spaces, it is likely that they would gravitate to spaces known to be normally available. The resulting disruption and impacts on the highway network and local environment from cars seeking to park would be very limited in this case. Taking account of the proximity to local facilities and public transport provision, those residents owning cars would be likely to use their vehicles less frequently than in a less accessible location. Given the limited likely demand, cars seeking to park in connection with the proposed development would lead to, at worst, only modest impacts upon local highway conditions, the convenience of highway users or the general environment around the site.
19. The proposal would accord with the Framework's aim to ensure that development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
20. Whilst the development would be in breach of policy AS-H6 of the ANDP, in this particular case, for the reasons set out above, the shortfall in parking provision would result in at worst only modest harm upon local highway conditions and the general environment around the site. Given my reasoning above, I am satisfied that the development would be in general accordance with policies MOV2 and MOV5 of the Local Plan and the Framework.

### **Other matters**

21. Given the position of the existing retail units on the periphery of the local centre and their small size, I am satisfied that their loss would not have a harmful impact on the character or vitality of the shopping centre. The core area of the local centre would be unaffected by the proposal.
22. The separation distances and positioning from the proposed development to neighbouring residential properties, along with the reduced massing of the two storey parts of the building, would ensure that no unacceptable impacts would result in terms of day/sunlight or outlook for neighbouring occupiers. Some overlooking would occur from a proposed first floor bedroom window of the proposed development into the garden of No.84 Woodfield Lane. However, taking into account the relationship with existing properties and the location of the site at the edge of the local centre where development tends to be closer knit, no unreasonable impacts on privacy would occur.
23. It has been put to me that the proposal does not meet the government's Nationally Described Space Standards. However, the Written Ministerial

Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case, I have not been made aware of such a relevant current policy. The Council has also not raised an objection on this ground. Whilst several of the units are fairly small in size, the general standard of accommodation would be satisfactory. Consequently, this is not a matter which carries any significant weight against the proposal.

24. There is no detailed evidence before me which suggests the proposal would put excessive pressure on local services and infrastructure. Whilst the pavement width is limited, the increased pedestrian movements arising from the development would not be so significant to create any undesirable impact upon pedestrian movement or safety. Refuse collections taking place from the road would be typical for many other developments and whilst likely to cause some inconvenience at the time of the collection the overall harm would be modest given the likely limited frequency of such collections. Similarly, I do not anticipate the intensity of delivery movements to be such to result in any significant harm. The limited increase in the number of vehicle movements would not be so significant to result in any unacceptable impacts on the surrounding highway network.
25. Whilst concern has been raised that the development would set an undesirable precedent for further development, any future proposal would need to be judged on its individual merits and the circumstances applicable at the time.
26. The appellant considers that the Council has a housing land supply of 3.14 years, taking account of current OAHN figures. A previous appeal decision in June 2017 found that the Council is not able to demonstrate a five year supply<sup>1</sup>. However, it is stated that the Council currently considers it can demonstrate a five year supply of housing and the Housing Land Supply Statement (April 2017-2022) concludes that a 7.35 year supply can be demonstrated. The evidence before me is mixed and rather limited on this matter. However, in view of my finding below that the development would be acceptable when applying the normal planning balance, it is not necessary for me to consider this matter further in this instance. The finding of a lack of five year housing supply would not alter my overall conclusion that the appeal should be allowed.

### **Conditions**

27. I have considered the Council's list of suggested conditions. A condition specifying the approved plans is necessary as this provides certainty. Conditions requiring the approval of external materials and landscaping are required in order to provide an appropriate standard of design. A condition requiring details of boundary treatments is necessary to also provide for an appropriate appearance and to safeguard residential living conditions. Approval of details of hard surfacing is required to provide for a good standard of residential environment and to reduce the risk of surface water flooding. Details of finished floor levels also need approval to safeguard the living conditions of neighbouring residents.
28. An energy use condition is necessary to reduce carbon emissions. I have imposed a contamination investigation/remediation condition to prevent risks

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<sup>1</sup> APP/C3620/W/16/3155493

from any on site contamination upon human health. I have varied the wording for this condition from that suggested by the Council in order to accord with the relevant Planning Practice Guidance. However, the essence of the condition remains the same. A cycle storage condition is necessary in order to encourage alternative methods of transport to the private car. A Construction Method Statement is needed to reduce impacts during demolition and construction upon the local environment including roads and pavements in the vicinity of the site. Conditions regarding the cill level of roof lights and requiring obscure glazing are required in order to safeguard the privacy of neighbouring residents.

29. I have varied the wording of some conditions for clarity but this has not affected the essence of the requirements sought. Condition 11 requires details to be approved prior to the commencement of works. This is necessary as it relates to demolition and construction works.

### **Planning Balance and Conclusion**

30. No harm would result upon the character and appearance of the area. In respect of parking, despite the breach of the development plan in respect of policy AS-H6 of the ANDP, the proposed development would only result in, at worst, modest harm upon local highway conditions, the convenience of highway users and the general environment around the site.
31. The proposal would be located where the need to travel would be minimised and the use of sustainable transport modes can be maximised, in accordance with the aims of the Framework. The development would make effective use of previously developed land and would provide ten residential units, helping to boost the supply of housing in the area. Whilst the dwelling mix would not be varied it would provide for one bedroom units sought by policy AS-4 of the ANDP for the Central Area of Ashted. Furthermore, the provision of one bedroomed apartments with no parking helps to make effective use of this fairly small site in a location which would encourage the use of alternative methods of transport to the private car and therefore could reduce vehicle ownership and the demand for parking.
32. I have given the above benefits considerable weight and find that such benefits would outweigh the, at worst, modest harm arising from the lack of on-site parking. In the circumstances of this case, despite the breach of policy AS-H6 of the ANDP, I consider that material considerations weigh in favour of the development being permitted.
33. Therefore, for all the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A16606 03 001 A, A16606 03 002, A16606 03 05 B, A16606 03 010 A, A16606 03 011 A, unless as varied by any of the following conditions.
- 3) Before the commencement of any above ground works details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approved details.
- 4) The development shall not be first occupied until boundary treatment has been erected in accordance with details (including positioning, design and materials) which shall have previously been submitted to and approved in writing by the local planning authority. The boundary treatment shall subsequently be retained thereafter.
- 5) Before commencement of any above ground works, 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 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 retained.
- 6) No development shall take place, other than demolition, until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels 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.
- 7) Prior to the commencement of development, 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, and be implemented prior to the first occupation of the development.
- 8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the

course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the works being completed and approved in writing by the local planning authority.

- 9) Prior to the commencement of any above ground works, details of a landscaping scheme shall be submitted to and approved by the local planning authority. The approved 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 with like for like replacements.
- 10) Prior to the first occupation of the development facilities for the secure and covered parking of bicycles shall be provided in accordance with a scheme which shall have previously been submitted to and approved in writing by the local planning authority. The bicycle storage facilities shall subsequently be retained thereafter.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include details of:
  - i) the parking and manoeuvring of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) programme of works;
  - v) measures for traffic management.

The approved Construction Method Statement shall be adhered to throughout the demolition and construction period of the development.

- 12) Prior to the first occupation, the second floor window in the development hereby permitted, as identified on the approved plan A16606.03.05 B, shall be glazed in obscured glass in accordance with that drawing. The window shall be permanently retained in that condition thereafter.
- 13) The cill height of the roof lights in the south eastern elevation of the development hereby permitted shall be constructed to be not less than 1.7 metres above internal floor level and retained as such thereafter.