The Planning Inspectorate

Appeal Decision

Site visit made on 12 December, 2016

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 13th January, 2017

Appeal Ref: APP/C3620/W/16/3158749
Land adjacent to Ilex Trees, London Road, Mickleham, Surrey, RH5 6EH

- 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 Steve Parkin against the decision of Mole Valley District Council.
- The application Ref MO/2015/1911/PLA, dated 20 November, 2015, was refused by notice dated 4 July, 2016.
- The development proposed is the erection of a detached 4 bedroom dwelling house and two pairs of double garages.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The main parties agree that the construction of a dwelling in this location would be acceptable in principle and, as such, would not be inappropriate development in the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it would constitute one of a number of specified exceptions. These exceptions include limited infilling in villages, which is relevant in this case. Having regard to Policies CS 1 and CS 2 of the adopted Mole Valley Core Strategy 2009 (MVCS) and Policy RUD1 of the Mole Valley Local Plan 2000 (MVLP), which is essentially consistent with Paragraph 89, I agree that the proposed development would not be inappropriate development in the Green Belt.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Mickleham Conservation Area.

Reasons

4. Ilex Trees is a large detached house, dating from the 19th Century. It is set in a substantial L-shaped plot and set back from the main London Road/A24 dual carriageway behind a commanding front boundary marked by a brick wall, tall gates and some significant trees, including evergreen holm oaks. The site lies within the Metropolitan Green Belt, Mickleham Conservation Area (MCA) and the Surrey Hills Area of Outstanding Natural Beauty (AONB). The parties agree that the effect of the development on the designated AONB would be neutral.

5. It is proposed to construct a detached, four bedroom house with a cinema and games room in the basement. The new house would be of traditional design

and materials and sited on an area of lawned garden adjacent to Ilex Trees, which currently provides a gap between the host building and the neighouring property, Abbott's Cottage. The elevation facing London Road would lie somewhat forward of the front elevation of Ilex Trees. Access to the new house and proposed garages would be via the existing driveway from London Road. The two detached double garages proposed would be erected in an area which is partly an existing parking area and partly garden at the rear of Ilex Trees.

6. In the vicinity of the appeal site the MCA, which is a designated heritage asset, is predominantly characterised by a loose-knit variety of dwellings in large plots with generous separation between buildings. Notwithstanding the proximity of the London Road, the appearance is attractive and features a variety of established trees and hedges, giving a sylvan character to the MCA against the backdrop of wooded slopes beyond.

7. The proposed house would be sited adjacent to the side elevation of Ilex Trees, in close proximity to the boundary that would be created between them. There would be a slightly wider separation to the boundary with Abbott's Cottage, where there is some established vegetation on the boundary. However, the presence of the new building would substantially erode the existing gap between Ilex Trees and Abbott's Cottage, resulting in a close relationship that would be at odds with the prevailing character of the area.

8. The new house would be significantly deeper than it would be wide, with the main entrance on the side elevation, facing towards Abbott's Cottage. This would give it a relatively narrow-fronted and uncharacteristically cramped appearance within the proposed plot, which would be further at odds with the prevailing character and appearance of the area.

9. The Council describes the large garden space around Ilex Trees, including the appeal site, as providing 'breathing space' around that building, which although not listed, nonetheless makes a significant contribution to the appearance and historic character of the MCA and clearly has an associated status within it. The proposed development would significantly reduce the curtilage of Ilex Trees, stifling much of its 'breathing space', which seems to me a fitting description of the role that the substantial garden plays in relation to Ilex Trees, and the contribution they together make to the MCA.

10. I note that a significant area of the existing garden, which lies adjacent to School Lane at the rear, would be retained in connection with Ilex Trees. However, this would be effectively severed from the host dwelling and its immediate garden by the proposed garages and the significant scale of the associated parking area. It would therefore not contribute to the remaining curtilage that would be visually associated with the host property, which would be demonstrably smaller than existing and limited in relation to the scale of the host dwelling. This would be detrimental to the character and setting of Ilex Trees and therefore detrimental to the character and appearance of the MCA.

11. I note that it is proposed to retain the existing boundary trees and hedges, including along the front of the site. This would provide a good degree of screening, particularly from directly in front of the site. Nonetheless, the new house would be visible in more oblique public views from London Road, particularly looking towards Ilex Trees between Abbott's Cottage and the

evergreen trees. In this view the spaciousness around Ilex Trees is currently apparent.

12. The proposed house would be clearly visible and, due to its siting forward of the host property, it would be unduly prominent and would effectively block public views of Ilex Trees from the Abbott's Cottage side. I also note that the design and materials have been chosen to reflect the historic character of the area. However, the screening and traditional design and materials would not sufficiently mitigate the detrimental impacts of the proposed development in relation to the character or appearance of the MCA, which principally relate to the scale, layout and siting of the proposed house.

13. I therefore conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore be contrary to saved Policies ENV22, ENV23, ENV24 and RUD4 of the MVLP, which together set out detailed criteria for new development, including that it will be required to be appropriate to the site in terms of its proposed design and layout, scale, form, appearance and external materials, to respect the character and appearance of the locality and the general space around buildings in the locality, and comprise suitable infilling when situated in a village location.

14. In light of my reasoning above, I further conclude that the proposed development would fail to preserve or enhance the character or appearance of the MCA, contrary to the expectations of the Framework, adopted Policy CS 14 of the MVCS and saved Policy ENV39 of the MVLP, which together seek to ensure that areas and sites of historic or architectural importance will be protected and, where appropriate enhanced, including by ensuring that development would reflect local historic character and significant spaces, amongst other things.

15. However, I would quantify the extent of this harm as being less than substantial when considered in the context of Paragraphs 133 and 134 of the Framework. Such harm needs to be balanced against any public benefits of the development. In this case, the main public benefit would be the provision of one additional dwelling, which would make a contribution to the local housing stock. However, the benefits associated with the provision of one dwelling would be modest, and would not outweigh the significant harm that the development would cause to the MCA.

Other Matters

16. I have considered the relevance of the detached house that has been built adjacent to Cartref Cottage, School Lane, Mickleham, for which the Council granted planning permission under Ref MO/2005/2074/PLA. The appellant is of the view that there are similarities with this proposal because that house was built in the former garden of Cartref Cottage, within the defined settlement boundary of Mickleham. The site abutted the MCA boundary. The appellant further considers that dwelling to be more prominent than the appeal proposal. I saw that house, now known as The Garden House, during my site visit and noted that its context is significantly different to the case before me, not least because it occupies a relatively tucked-away position in the corner of a small close of houses off School Lane, which lie just outside the MCA and are less historically significant than Ilex Trees. Furthermore, I note that the planning permission significantly pre-dates the adoption of the MVCS and current national planning policy. Therefore, while I have afforded this nearby

development a little weight in favour of the appeal, this is not sufficient to outweigh my findings above in relation to character and appearance.

17. The appellant suggests that the extension constructed at Abbott's Cottage and a permitted, but unimplemented, two-storey side extension to Ilex Trees, Ref MO/07/1027/PLA, would have affected the gap between the two properties to a similar extent to the proposed house. However, I have considered the appeal upon the context and evidence before me, which includes that completed extension at Abbott's Cottage. Furthermore, the details provided show that the permitted extension to Ilex Trees was significantly smaller than the proposed new house, and would have retained a gap of some 11m from its flank wall to the common boundary. It would also have read as a subservient extension to the main house, rather than a standalone additional dwelling, and it would not have affected the curtilage around the host property in the same manner. Therefore, these previous planning permissions also do not outweigh my findings above in relation to character and appearance.

Conclusion

18. The proposal would not be inappropriate development in the Green Belt. However, it would fail to preserve or enhance the character and appearance of the Mickleham Conservation Area and this would not be outweighed by the public benefits of the proposal. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR