
Appeal Decision

Site visit made on 8 May 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 1 June 2017

Appeal Ref: APP/C3620/W/17/3168616

Land rear of 29a West Street, Dorking, Surrey RH4 1DB

- 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 Andrew Mackelden against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1565/PLA, dated 29 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is to construct a pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the conservation area
 - The effects of the proposal on the living condition and amenity space of neighbours
 - The effects on parking and highway safety.

Reasons

The effects of the proposal on the conservation area

3. The appeal site is formed by the majority of the garden area of No 29a West Street. The site is bounded by properties on Howard Road on 2 sides, by No 29a and by the footpath. The site is within the large Dorking Conservation Area.
4. Although now fenced off, the appeal site formed part of the rear garden of No 29a West Street which has been formed by the subdivision of No 29. Nos 29 and 29a form a substantial building with a considerable presence on West Street and the footpath to the side. Taken together, the existing open garden forms a feature which is commensurate in size to the character of the original building. It also provides a visual break between the houses at Heathcroft, No 1 Howard Road and No 29/29a.
5. Whilst the proposed pair of houses would be provided with open garden areas, I consider that the proposal would result in the substantial loss of this open

area which is important to the conservation area. I appreciate the points made by the appellant that there may be examples of similar developments within the conservation area; however, the conservation area is large, covers much of the town centre and its fringes and contains a wide variety of development, land use and spaces. In relation to this individual site, I consider that the openness of the site performs a valuable function in relation to a visual setting for the original building at No 29/29a and a feature which separates this from the other adjacent houses.

6. The appellant refers to the evolution of the scheme and reductions in its scale. I also acknowledge that, taken in strict isolation, the design of the proposal and its materials would not be out of place in the area. However, within its context, it would lead to an unacceptable erosion or loss of the open area. I find that this would mean that the proposal would fail to either preserve or enhance the character and appearance of the conservation area. Its significance would be harmed and I judge this to be 'less than substantial harm' as referred to in the Framework. I attach considerable weight to this harm in determining the appeal.

The effects of the proposal on the living condition and amenity space of neighbours

7. The proposed building would be sited a little over 10m from the building at No 29a and around 5m from Heathcroft. Both properties contain windows which face over the appeal site; No 29a appears to have main room windows at ground and first floor, whilst those at Heathcroft appear to be to a main room at the ground floor but with obscure glazed and stained glass windows at first floor.
8. The proposal would be in clear view from the windows at No 29a and I consider that the proposed distance here would be insufficient to preserve the outlook of the residents of the existing property. I acknowledge that overlooking would not be a factor due to the positioning of windows in other elevations but find that the imposition of the building within the main aspect of these windows would have an unacceptable effect on the living conditions of those residents. In addition, the proposal would drastically reduce the garden area and leave an area of around just over 5m depth across the rear of No 29a. Not only would this reduce the garden to an unacceptable level, I judge that the proposal would appear overbearing when viewed from the garden as a result of its proximity to it.
9. In relation to Heathcroft, the angle of view from the relevant windows in the existing property would mean that the proposed dwelling would be set to one side. Notwithstanding this, the proposed distance of around 6 or 7m would mean that outlook from these windows in Heathcroft would be unacceptably affected. In a similar way I also conclude that the proposal would appear overbearing when seen from the garden area at Heathcroft due to its size and proximity.

The effects on parking and highway safety

10. The proposal contains no provisions for car parking and it is not possible to gain vehicular access to the site. There are restrictions which prevent parking on many of the nearby roads and I noted at my visit that Howard Road and

Arundel Road were heavily parked with numerous vehicle parked partially on the pavement.

11. The appeal site is located very close to the shops, services and public transport available within the town centre. I consider that this would reduce the likelihood of relying on a car and thus the likelihood of car ownership. Whilst this cannot be ensured, it places the appeal site in a very accessible position where alternatives to the car would be a viable option.
12. I accept that parking within the surrounding roads (where it is allowed for) is heavy and no doubt the source of some concern to existing residents where competition for spaces may give rise to some inconvenience. Nevertheless, in the particular circumstances of this case, I am not convinced that the likely demand for spaces arising from the proposal would be high and I judge that the level of demand that would arise would not be sufficient to dismiss the appeal.

Conclusions

13. I have concluded that the proposal would have an unacceptable effect on the conservation area which is not off-set by any benefits that may arise. In addition, the proposal would unacceptably affect the living conditions of neighbouring residents at Heathcroft and No 29a. Whilst I have agreed with the appellant in relation to car parking, this does not outweigh the harm arising from the other issues. Therefore, I conclude that the proposal is contrary to Policies ENV22 and ENV 39 of the Mole Valley Local Plan and Policy CS14 of the Mole Valley Core Strategy. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR