



Appeal Decision

Site visit made on 20 August 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/C3620/W/19/3225377

Clear's Yard, Vincent Walk, Dorking, RH4 2HA

- 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 Oakwood Real Estate Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2018/1363/PLAMAJ, dated 2 August 2018, was refused by notice dated 15 February 2019.
 - The development proposed is described as demolition of existing buildings and redevelopment of the site for residential (Class C3) and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has brought to my attention that part of the appeal site within the red-lined area is unregistered and that Certificate A and not Certificate D was signed by the appellant. The Council's legal adviser has stated that in the absence of registration, it would be for the appellant to take the risk of the claimed adverse possession being deficient. As land ownership is outside of the appeal process, I have no reason to disagree with the Council and the appeal has been determined on that basis.
3. It has been brought to my attention that the appeal site has been the subject of a previous dismissed appeal¹. The current appeal is based on a revised scheme for the same site and I have considered the development proposed on that basis.
4. The appellant has submitted a copy of the Unilateral Undertaking with respect to affordable housing.

Main Issues

5. The main issues are the effect of the development on:
 - The character and appearance of the area, with particular regard to the Dorking Conservation Area (CA); and,
 - the living conditions of the future occupiers with respect to outdoor space provision; and

¹ PINS Ref: APP/C3620/W/17/3191897

- the living conditions of the occupiers of surrounding properties in relation to noise and disturbance; and,
- provision of parking, safe access and the surrounding highway network.

Reasons

Character and Appearance

6. The appeal site lies within the Dorking CA and I therefore have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effects of the development proposed on the preservation or enhancement of that area. The National Planning Policy Framework advises that any harm that is considered to be less than substantial must be weighed against the public benefit of the proposal.
7. According to the CA appraisal², the first record of a market in Dorking dates from 1278 and its development has evolved ever since. Its historic core, defined by the High Street, West Street and South Street forms the east-west spine of the town and has streets, lanes, alleyways and footpaths leading from them. The development of backland light industry behind the principle streets is a strong feature of the town. In the immediate vicinity of the appeal site the adjacent streets have two storey, terraced, semi and detached dwellings which were developed around the 19th century and have largely remained unaltered.
8. The CA as a whole derives much of its character from the wide range of historic buildings, some of which are listed buildings (LB). None of the existing buildings on the appeal site are LB's and due to the separation distance, there is no harmful effect to the setting of the nearest LB on the corner of South Street. The CA characteristics are reflected in the Council's Built Up Area Characteristics Appraisals Supplementary Planning Document (2010) which provides guidance appraising development proposals in this locality.
9. The development proposed would demolish the existing light industrial buildings, which the Council states have no architectural or historic merit to warrant their retention and replace them with twenty-three residential units, eighteen parking spaces, and cycle storage. The proposed dwellings at the western end of the site would be accessed off Arundel Road and the proposed dwellings at the eastern end of the site off Vincents Walk. A pedestrian footpath would run through the site between two parking courtyards located at either end of the site. At the eastern end of the site there would be a central green around which would be vehicle parking bays and a turning area. Soft landscaping would take place around the site boundaries and alongside Vincent Walk.
10. The development proposed would be 94% of the footprint of the existing buildings and follows closely the existing layout. Whilst the layout does not introduce new development into areas which have not previously been developed, the effect is to create an environment for residential use, which would be a cramped form of development. The proposed new dwellings would appear to be densely packed together particularly at the western end of the appeal site where they either back onto or face a large area of hardstanding and units eighteen to twenty-three would appear to be shoe-horned into a tight area alongside the appeal site boundary. Whilst the revised scheme has altered

² Dorking Conservation Area Appraisal and Management Plan

the distance between units twelve and twenty-three, the separation distance would still be limited and would act to isolate the western and eastern parts of the site, visually and physically.

11. The proposed layout at the western end of the site facing Arundel Road provides virtually no open space to the front of the proposed dwellings, apart from vehicle parking and the access to the courtyard parking at the rear. This would result in a significantly different appearance and form of development to the rest of the residential development along Arundel Road and Mount Street onto which the development proposed would face and therefore fail to respect the grain of development in the immediate surroundings.
12. Moreover, the area to the rear of units one to five, would be dominated by the large area of hardstanding and vehicle parking, which has little landscaping proposed to soften its impact. Whilst the access arrangement through an overhanging part below unit 4 creates a sense of enclosure in the courtyard, it reduces the scope for the layout to make more suitable provision for communal open space in this part of the development.
13. At the eastern end of the site, the area of open green landscaped area would provide communal open space. However, the adjacent and extensive hardstanding around which parking bays are proposed and its use as a manoeuvring area for vehicles, is likely to make it less conducive to it being used as open space and would dominate the appearance of this part of the site.
14. The development proposed would appear to be a cramped, dense form of development and would represent overdevelopment of an irregular shaped site for residential use. I therefore conclude that the development proposed would be harmful to the character and appearance of the area contrary to policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (2000) (LP), which when read together seek to ensure new development is appropriate to its site, respects the character and appearance of its surroundings and avoids a cramped form of development. Further, in carrying out my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the development proposed would have less than substantial harm on the the character and appearance of the Dorking CA, which would be offset by the public benefits associated with the provision of additional housing. The overall effect would therefore be neutral.

Living Conditions of Future Occupiers

15. Whilst the revised development proposed provides some communal open space, the eastern end of the site in particular due to its cramped form of development would provide very limited access to private open space. Those future occupiers in that part of the development proposed would be reliant on the communal areas proposed at either end of the site, but in the case of the area at the western end of the site it is dominated by the hardstanding with virtually no soft landscaped areas and therefore would not offer a pleasant living environment.
16. Whilst at the eastern end there would be a grassed area with tree planting, this would be immediately adjacent to the extensive area of hardstanding and vehicle parking bays. Given the location and potential conflict with vehicles in this area, it is not likely to be conducive use as an outdoor living area for those future occupiers who have no alternative provision. As a result, the proposed

communal areas at the eastern end of the appeal site would not provide suitable open space provision and would not provide an attractive or comfortable environment in which to live.

17. The outlook from units eighteen to twenty and unit sixteen would be dominated by the large area of hardstanding and parking bays at the eastern part of the site, which would be only partially mitigated by the grassed area, planters and soft landscaping proposed. This would not create a suitable outlook for the future occupants of these proposed dwellings.
18. Further, even though planters are proposed in front of units eighteen to twenty, the close proximity of the parking bays would result in disturbance due to noise and car headlights shining into the living space of the proposed new dwellings. Together these would have an adverse effect on the living conditions of the future occupants of those proposed dwellings.
19. I conclude that the adverse effect on the living conditions of the future occupants would be contrary to Policy ENV22 of the LP which seeks to ensure the design and layout of new development provides a satisfactory environment for its occupiers.

Living conditions of occupants of neighbouring properties

20. The Council shares the concerns of local residents that the noise and disturbance caused by vehicles entering the development proposed, manoeuvring in the courtyard areas and using the parking areas would have a detrimental effect on the occupiers of the neighbouring properties.
21. In the vicinity of the courtyard area at the eastern end of the site, occupiers of Vincent Mews would be most affected by the noise and disturbance of vehicles coming and going to the development proposed. However, given the separation distance, the tree planting proposed and the limited amount of parking in close proximity the effect is not likely to be significant and compared to the site's previous light industrial use, is likely to be improved.
22. The development proposed would back onto No 36 Mount Road and any noise and disturbance would be created by vehicles coming and going from the courtyard area, accessed underneath unit four which is some distance away. As a result, this is not likely to result in any adverse effect on the living conditions of the occupiers of No 36 Mount Road.
23. The proposed delivery bay to the front of unit three would generate some noise and disturbance but this would be accessed directly for the road and it is not likely to have any significant adverse effect on the occupiers of the neighbouring properties.
24. Whilst the Council states that there would be noise and disturbance during the construction phase of development if it was allowed, this would be for a limited period of time and conditions could be imposed to manage any harmful noise and disturbance.
25. I conclude that the development proposed would have no significant adverse effect on the living conditions of the occupants of the neighbouring properties due to noise and disturbance and would comply with Policy ENV22 of the LP which seeks to ensure there is no significant harm to the amenities of neighbouring occupiers.

Parking, Safe Access and Highways

26. The Council shares the concerns of local residents that the lack of adequate parking provision by the development proposed would create pressure for overspill parking on adjacent streets.
27. The development proposed would provide eighteen parking spaces, which would include eleven spaces at the eastern end of the site located around the courtyard area and six parking spaces at the eastern end in the courtyard reached via an overhanging part of unit 4. One parking space and one delivery vehicle space would be provided directly in front of unit 3 facing Arundel Road. This would equate to a ratio of 0.78 spaces per dwelling. The County Council's standards set a maximum of 1 space per dwelling in town centres but states that reduced provision may be appropriate.
28. The appellant has submitted evidence based on census data³ and parking surveys. This indicates that the parking requirements of similar developments in the town centre has a requirement of 0.58 vehicles per household which would result in a lower level of provision than that proposed. In addition, results of a parking survey given in the evidence referred to in footnote 3, indicate that at periods of peak demand there are extensive opportunities for on street parking in the vicinity without causing undue stress caused by overspill onto the neighbouring streets.
29. On the basis of the evidence submitted and given the appeal site's town centre location and its good access to services, facilities and public transport links, I am satisfied that the level of parking provision proposed is adequate. I therefore conclude that the development proposed would provide adequate parking provision and there would be no adverse effects due to overspill parking on adjacent roads.
30. The Council also has concerns with respect to the means of access to the courtyard area at the western end of the site, which is accessed beneath an overhanging part of unit four and due to its restricted dimensions, which would not be suitable for delivery vehicles or emergency vehicles. Further delivery vehicles manoeuvring to use the delivery bay on Arundel Road would cause congestion and would have poor visibility in the direction of Mount Street, with smaller delivery vehicles able to access the parking courtyard not being able to manoeuvre and leave the site in first gear.
31. The appellant states that the opportunity for on-site servicing is provided by the access via Vincents Walk, in addition to the delivery bay on Arundel Road. Evidence has been submitted⁴ to show that a delivery vehicle would be able to use the access and servicing area via Vincents Walk. Whilst this shows that delivery vehicles could manoeuvre within the service area, it would occupy a significant part of the space available and would likely give rise to conflict with parked cars and pedestrians who would also be using this area. Whilst the appellant states that the proposed service area in the revised scheme is larger than that proposed in the dismissed appeal, I am not persuaded that it would create a safe environment due to the conflict with other potential users of the space.

³ Technical Note: Parking Assessment 13/03/2017

⁴ Appellants Statement of Case Appendix 8 Tracking Drawing 16001-00-102

32. Further, the access route to the development proposed via Vincents Walk is narrow and based on the swept path analysis referred to in footnote 4 would not allow two vehicles to pass, without causing significant inconvenience to other vehicle users of the route. This is of particular concern with respect to delivery vehicles, which if forced to reverse along Vincents Walk and back onto South Street, there would be poor visibility and this would have a significant impact on highway safety, particularly at the junction with South Street. No evidence has been submitted to demonstrate how this adverse effect would be mitigated sufficiently to persuade me that the Vincent Walk would provide a safe means of access to the development proposed, particularly for delivery vehicles.
33. The delivery bay on Arundel Road would be accessed directly from Arundel Road. Even though the delivery bay is provided within the appeal site and does not require access to the rear courtyard area through the overhanging part of unit four, Arundel Road is extensively used for on street parking which has the effect of narrowing its width. Whilst the appellant states that the use of the designated parking bay would not obstruct the highway, it is located close to the junction of Arundel Road and Mount Street, and the side elevation of the dwelling opposite would partially obscure views of traffic on Mount Street, particularly if the vehicle was reversing out of the delivery bay. Whilst a delivery vehicle leaving the bay in forward gear would have adequate visibility, on the basis of the evidence submitted it is not certain that there would be a safe means of access from the delivery bay to Arundel Road.
34. The appellant's Transport Assessment⁵ states that the number of vehicle movements, based on a TRICS data analysis, generated by the development proposed would be slightly lower than when the appeal site was in light industrial use. Whilst the Council has concerns with respect to the effect of the development proposed on the capacity of the surrounding highway network, I am satisfied that there would be a decrease in vehicle movements and therefore there would be no likely harmful effects to the highway network.
35. I conclude that whilst the development proposed would provide adequate car parking and would have no harmful effect on the surrounding highway network, but it would fail to provide safe and suitable access provision for delivery vehicles and would be contrary to policies MOV2 and ENV22 of the LP which when read together seek to ensure new development provides safe access to the development site and that it is compatible with the transport infrastructure.

Planning Balance

36. The Council does not dispute that it cannot demonstrate a five-year supply of housing land and consequently Paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
37. The development proposed would provide twenty-three new residential units, of which four would be affordable housing in a location which has good access to a wide range of services and facilities. Public transport including bus and train services are within easy reach. The development proposed would create modest economic and social benefits during the construction phase and

⁵ Clears Yard, Dorking Transport Assessment prepared by Markides Associates July 2018

spending in the local economy by the future occupants. It would have a neutral effect on the CA. These benefits weigh in favour of the development.

38. However, I have concluded that the development proposed would have extensive areas of hard surface areas around the courtyards at each end of the site and would appear to be a dense, cramped form of development which would have a lack of green open spaces. These would be detrimental to the living conditions of the future occupants, exacerbated by the inadequate, safe access to the eastern service area for delivery vehicles and their potential conflict with other vehicles and pedestrians using this area. Further, there would be likely adverse effects on the surrounding highways due to congestion caused on the access to Vincents Walk due to its restricted width which would not allow two vehicles to pass along its length. These would have significant environment harm, which would weigh against the scheme.
39. Even if I were to conclude that the Council could not demonstrate a five-year supply of housing land and therefore its policies were out of date, the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Therefore the appeal proposals would not amount to sustainable development for which there is a presumption in favour of and therefore the so-called tilted balance would not be engaged.

Conclusion

40. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR