
Appeal Decision

Site visit made on 29 October 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/C3620/C/19/3226375

2 Thorn Cottages, London Road, Mickleham, Dorking, Surrey RH5 6EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Johann Tuohy against an enforcement notice issued by Mole Valley District Council.
- The enforcement notice, numbered 2018/0246/ENF, was issued on 18 March 2019.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a rear dormer window in the south eastern facing roof plane.
- The requirements of the notice are:
 - (1) To remove the dormer completely from the Land and reinstate the roof to its condition before any dormer was constructed;
 - Or
 - (2) To reinstate the former dormer as it was originally constructed and reinstate the roof to its condition before the breach took place (see photograph below showing the previous dormer and roof);
 - (3) To remove completely from the Land any associated surplus materials and debris resulting from either steps (1) or (2) above.
- The period for compliance with the requirements is three (3) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

The Appeal on Ground (a) and the Deemed Planning Application

Main issues

1. The main issues are:
 - Whether the dormer preserves or enhances the character or appearance of Mickleham Conservation Area; and
 - Whether the dormer would conserve or enhance the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty.

Reasons

Mickleham Conservation Area

2. 2 Thorne Cottages is a semi-detached dwelling located between London Road and School Lane within Mickleham Conservation Area. It comprises a two

storey dwelling with dormer windows on the front and rear roof slopes, facing both London Road and School Lane, which provides access to the school over the lane. That on the rear, facing School Lane, has been replaced with a dormer that includes wider side walls (cheeks) to either side of the window.

3. The wide cheeks require a lower pitch to the roof and this does not reflect the steeper pitch to the roof of the dwelling, nor other buildings in the surrounding area. This has resulted in a larger and more prominent dormer that appears incongruous on the building. The appellant suggests that the wider cheeks are the result of larger timbers and are necessary in order to support the dormer window. However, limited detail has been provided, such as drawings, to demonstrate the minimum width required to provide that support. In any event, it does not reflect the historic appearance of dormers that would have been constructed to provide light through the window.
4. For these reasons, I conclude that the dormer does not preserve or enhance the character or appearance of Mickleham Conservation Area. As a result, it would conflict with Policy CS14 of the Mole Valley Core Strategy (CS), Policies ENV22, ENV23 and ENV39 of the Mole Valley Local Plan (LP) and the National Planning Policy Framework (the Framework) that seek to protect areas of historic or architectural importance and seek development of a high standard of design that respects the character and appearance of the surrounding built environment.
5. The replacement dormer is harmful to the conservation area's significance as a designated heritage asset. In the terms of the Framework, the harm would be 'less than substantial'. However, that does not mean it should be regarded as minor or unimportant. The Framework states that great weight should be attached to the conservation of heritage assets. Paragraph 196 requires harm to heritage assets to be weighed against any public benefits of the scheme. The need to replace the dormer due to its structural condition is not a public benefit, and no other public benefits have been drawn to my attention.

Surrey Hills Area of Outstanding Natural Beauty

6. 2 Thorne Cottages is located within the village of Mickleham, in the Surrey Hills Area of Outstanding Natural Beauty (AONB) where the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty.
7. The dormer is large and located on the rear elevation of the dwelling, facing toward the school to the rear. Consequently, whilst this is not a prominent location in terms of its position within the AONB, it nevertheless dominates the rear elevation of the building.
8. For these reasons, I conclude that the dormer does not conserve or enhance the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty. As such, it is contrary to Policy CS13 of the CS and the Framework that seek to conserve the natural beauty of the landscape of the AONB. In addition, it would be contrary to Policies LU1, LU2 and LU3 of the Surrey Hills AONB Management Plan that protect the landscape and scenic beauty of the AONB from harm and seek a high quality of design from development, including respecting local distinctiveness and the special landscape character of the locality.

Conclusion

9. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. The appeal on ground (a) therefore fails.

The Appeal on Ground (f)

10. An appeal on this ground is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
11. In this case, the requirements seek to either remove the dormer window completely and return the roof to its condition prior to construction of any dormer, or to replace it with a dormer to match that previously existing on the property to return the roof to its state before the breach took place. On that basis, the requirements seek to remedy the breach of planning control.
12. The appellant suggests that wider cheeks than those of the previous dormer are required to support any dormer, but limited detail has been provided. It is unclear what lesser steps could be undertaken to remedy the breach. As such, I consider that the requirements of the notice are not excessive in order to remedy the breach.
13. For these reasons, I conclude that the appeal under ground (f) should fail.

Formal Decision

14. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen

INSPECTOR