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# Appeal Decision

Site visit made on 11 February 2020

**by Mr D.R McCreery MA BA (Hons) MRTPI**

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

**Decision date: 09 March 2020**

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**Appeal Ref: APP/C3620/W/19/3241187**

**Upper Minnickfold Place, Anstie Lane, Coldharbour RH5 4LS**

- 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 Gary Puckett against the decision of Mole Valley District Council.
  - The application Ref MO/2019/1103PLAH, dated 21 June 2019, was refused by notice dated 6 September 2019.
  - The development proposed is a loft conversion with dormer window and Velux rooflights, providing new rooms within the roof space.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The appeal site is located in the Surrey Hills Area of Outstanding Natural Beauty (AONB). In deciding this appeal I have considered the duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - The character and appearance of the building and the surrounding area, including whether the proposal would conserve and enhance the landscape and scenic beauty of the AONB.
  - Protected species and their habitats, in particular bats.

## Reasons

### *Character and appearance*

4. The appeal property is a large 2 storey detached dwelling located towards the top of a hillside off Anstie Lane. The property has been subdivided into 2 flats and a house. The area is rural in character, with scattered dwellings mostly of traditional appearance.

5. The dwelling is surrounded by woodland on most sides, which clears to the rear to provide open views across the fields below. The openness to the rear makes the property a prominent feature in the landscape, where it makes an important contribution to the character of the area. This is principally due to its scale, white rendered external walls, mock Tudor detailing, and other traditional features that includes window details and steep roof slope.
6. The proposed development would introduce 2 dormer windows and 3 roof lights to the side roof slopes to create additional living space for the upper floor flat. Views of the proposed development would be limited by the dense trees and other natural coverage close to the side of the property. As such, the proposal would be seen principally from nearby gardens and also the footpath that is some distance away, where only the side of one of the dormer windows would be visible.
7. Notwithstanding the limited views, the existing roof line on this side of the property remains free from extension or other interruption and has a steep slope that contributes to the character and appearance of the building and the area. Despite being quite evenly spaced across the roof and smaller than a previously refused scheme, the width of the dormer windows would be such that they would significantly disrupt the existing roof line. Further disruption would result from the position of the dormer windows, high in the roof slope, close to the ridge, and immediately beneath the chimney stacks. The use of materials and design features to match the existing roof would do little to mitigate the harm.
8. The proposed development makes very limited attempt to integrate with the existing building and, as such, would harm its character and appearance. As the property is a prominent and important feature in the character of the landscape, I also conclude that the proposed development would neither conserve nor enhance the scenic beauty of the AONB.
9. The appellant has drawn my attention to existing dormer windows in the building and the area. I do not have full details relating to the circumstances of each of these examples and have therefore given them limited weight. In particular, I note that the dormer windows on the existing building are on a different roof slope, are smaller in scale, and positioned lower in relation to the ridge.
10. I note the Council has a preference for dormer windows with pitched roofs, which is expressed in their Supplementary Guidance. I have taken this into account, however this has limited bearing on my conclusions as each proposal must be assessed on its own merits.
11. In light of the above, I conclude that the proposed dormer windows would have a harmful effect on the character and appearance of the existing building and the surrounding area and would neither conserve nor enhance the scenic beauty of the AONB. Consequently, I find conflict with Policies ENV22, ENV32, and RUD7 of the Mole Valley Local Plan which collectively seeks to achieve development that is of a high standard of design that respects the character and appearance of the area and host property. I also find conflict with Policy CS13 of the Mole Valley Core strategy which is concerned with development in AONBs.

### *Protected species*

12. I note that the Council considers that insufficient information was submitted with the planning application to establish the presence, or otherwise, of bats on the site. The appellant has submitted a preliminary roost assessment dated November 2019 with this appeal that appears to indicate the presence of bats. The report states that further surveys are required to characterise the roost.
13. In light of the further work identified, and lack of detail about consultations undertaken with Natural England, I am unable to conclude that the proposed development would not have a harmful impact on a protected species. As such, I find conflict with policy CS15 of the Mole Valley Core Strategy and policy ENV15 of the Mole Valley Local Plan relating to protected species.

### **Other matters**

14. Representations from other parties are noted. These mostly relate to the Council's reasons for refusal and the matters discussed above. Other matters raised, including relating to living conditions of neighbours and disruption to access arrangements, have not affected my findings on the main issues.

### **Conclusion**

15. For the above reasons the appeal is dismissed.

*D. R. McCreery*

INSPECTOR