



Appeal Decision

Site visit made on 7 July 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2020

Appeal Ref: APP/C3620/D/20/3247192

2 The Nest, Abinger Road, Surrey RH5 6HD

- 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 Jonathan Teidy against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1907/PLAH, dated 6 November 2019, was refused by notice dated 24 January 2020.
 - The development proposed is to remove derelict building and garage, erect retaining wall and steps and repair parking area with permeable surface.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development that is the subject of this appeal has already been constructed. I have proceeded to consider the appeal on that basis.

Main Issue

3. The main issues are:
 - whether or not the proposed development preserves or enhances the character or appearance of the Coldharbour Conservation Area and the Surrey Hills Area of Outstanding Natural Beauty; and
 - whether the proposed development would be inappropriate development in the Green Belt, taking into account its effect on the openness of the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

4. The appeal site is at the edge of a cluster of development forming the village of Coldharbour. The appeal site forms part of the garden to Number 2 The Nest (No 2) which is a cottage, located in an elevated position above Abinger Road. It is located within the Coldharbour Conservation Area (CCA) and within the Surrey Hills Area of Outstanding Natural Beauty (AONB). The site is also within the Metropolitan Green Belt.

5. An area of hardstanding and outbuildings, indicated by the Council to have included an old brick privy, have been replaced by brick retaining walls and steps leading up to the house and a permeable gravel parking area.

Character and appearance

6. Coldharbour is an upland rural settlement characterised by traditional and historic buildings, surrounded by woodland and open areas of rough grass. The hilly nature of the area in combination with the wooded landscape makes buildings appear to nestle into the hillside. Buildings are finished in various materials, including stone, render and brickwork, which contribute to the informal character of the area. Many of these buildings are enclosed by attractive boundary hedges and walls, constructed of local stone and bricks with round capping details. These features together give the village an informal and traditional character and contributes to the significance of the conservation area.
7. The Nest is constructed of stone and brickwork, tile hung and with clay roof tiles giving it an informal character and appearance is in keeping with the traditional character of the village. The parking area within the garden is located adjacent to and at the same level as the highway. Due to its elevated position, the appeal site is prominent from public viewpoints looking along Abinger Road from the village centre. As such, the appeal site makes a positive contribution to both the character and appearance of the CCA and the AONB.
8. The steps and walls have been constructed to follow the contours of the site. However, the height and width of the walls, their stepped design and brick on edge capping gives them a distinctively angular and bulky appearance. The upper sections of the brick walls have been designed to mimic the profile of the brick detailing found on the cottage, and this does provide a visual link between the cottage and proposed wall. However, it does not reduce the harsh engineered appearance of the wall that arises from its bulk and angular form. This makes the proposed development appear formal and out of keeping with the more informal rural character of the host property.
9. The walls are constructed of mottled coloured hand cut bricks in light and dark shades of white, red and pink with grey mortar. However, these materials do not match those of the host property. The bricks used although hand cut and with a softer appearance have a predominance of pink shades which does not harmonise with the distinctly orange and red hues of The Nest. The use of a grey mortar is also different to the lighter coloured, lime-based mortar of the house. I note the appellant has indicated that these were selected for their relationship to the house and to respect the tones and colours of the area. I also acknowledge the difficulties in obtaining an exact match to an older property. However, in my view the noticeable pink tones of the bricks used in the development fail to integrate with the colour of the host property and the development therefore appears at odds with it.
10. Within the wider village, I observed a range of different finishes to building including stone, brickwork and render. In this wider context the materials would not be unduly harmful, however, they are viewed against the backdrop of the host property against which they appear out of keeping.
11. The contrasting colour together with the angular appearance of the proposed development, makes it appear prominent and incongruous at the front of the

modestly sized rural cottage. I appreciate that over time the brickwork will weather and appear more 'bedded in', however, this would not overcome the harms I have identified.

12. Boundary treatments within the locality are generally modest in height, many of which have round capping and a rustic appearance which makes a positive contribution to the rural character and appearance of the area. Whilst I observed a few examples of flat topped walls locally including to the neighbouring parking area, I am not persuaded that this type of finish which has a more regular and formal appearance contributes to either the character or appearance of the CCA.
13. My attention has been drawn to a set of steps and high retaining wall to Number 1 Abinger Road a short distance from the appeal site. Whilst a similar height to the proposed development, this development has a more traditional in appearance, with a rounded capping to the wall. It is also constructed of matching materials to both the house and garage between which it is positioned. It is not therefore out of keeping nor as visually prominent as the appeal scheme. Accordingly, I do not find this nearby development justifies the scheme before me.
14. The appellant has provided photographic evidence of a recent landslip at the rear of the site although I have not been provided with a precise location of this. Nevertheless, I accept that the steeply sloping nature of the site may give rise to landslips and this may provide justification for a high wall. However, I have no evidence that the design of the proposed development is the only way to overcome this concern.
15. The appellant has indicated that the maximum height of the wall is 2.17m which only just exceeds the 2m height allowed as permitted development and that it only had to be the height it is due to the topography of the site. He therefore considers he has a fallback position for a modestly decreased height. It is open to the appellant to pursue this option, however, I must deal with the appeal on the planning merits of the proposal before me which I have done.
16. Government policy in respect of the historic environment is set out in the National Planning Policy Framework (the Framework). Paragraph 184 advises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
17. The proposed development would lead to less than substantial harm to the significance of a designated heritage asset, namely the CCA. As required by paragraph 196 of the Framework harm needs to be weighed against the public benefits of the proposal. In this case, the removal of a derelict shed and garage outbuildings and overgrown vegetation, would improve the appearance of the site, it would provide improved drainage, reduce the risk of landsliding and would also lessen demand for on street parking. These would be public benefits of the scheme and I give this moderate weight. The proposed development would also provide safe and off road parking for the appellant, however this is a private benefit. However, these modest public benefits would not outweigh the less than substantial harm that I have found.

18. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CCA and the Surrey Hills AONB. It would therefore conflict with Policy ENV39 of the Mole Valley Local Plan 2000 and Policies CS13 and CS14 of the Mole Valley Local Development Framework Core Strategy 2009. These policies together require development to be a high quality of design that reflects historic character and materials and enhances the natural beauty of the landscape. It would also not comply with the objectives of the National Planning Policy Framework in respect of the conservation and enhancement of the natural and historic environments.

Inappropriate development

19. The National Planning Policy Framework 2019 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Paragraph 146 sets out that certain forms of development, including engineering operations, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
20. The formation of steps and retaining walls around the sloping banks of the elevated garden and the resurfacing of the parking area with a permeable surface would, in my view, amount to engineering operations.
21. Openness in Green Belt terms is essentially the absence of built development and includes both spatial and visual considerations. The proposed development with its walls and steps following the contours of the sloping banks and the surfaced area at the same level as the existing parking area, would have a limited effect on openness.
22. Furthermore, in comparison to the buildings that have been removed, it would not have a significantly greater impact on the openness of the Green Belt than the buildings that have been removed. As such I am satisfied that the proposed development would preserve the openness of the Green Belt.
23. I note the Council reached the same conclusion although it considered the development met the exceptions set out under paragraph 145 c) of the Framework which allows for the extension or alteration of a building provided that it does not result in a disproportionate addition to the original building.
24. I conclude that the proposed engineering operations would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it by encroaching into the countryside. As such, they would not be inappropriate development and no very special circumstances are required to be demonstrated to justify them. Accordingly, I find no conflict with the policies of the Framework in this regard.

Other Matter

25. The appellant has proposed conditions in relation to reducing the height of the wall, replacing the top with a rounded capping or painting the brickwork or mortar in order to avoid the complete removal of the structure. In my view, these would materially change the proposed development from that which has been applied for. I am mindful that it is not the role of the appeal process to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority. If

the appellant considers that amending their application proposals would overcome the Council's reason for refusal, then they should make a fresh planning application.

Planning Balance and Conclusion

26. The proposed development would not be inappropriate development in the Green Belt. However, it would fail to preserve or enhance the character or appearance of both the CCA and the AONB.
27. I therefore conclude that the proposal conflicts with the development plan and there are no other considerations, including the advice of the Framework that outweigh that conflict. For this reason, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR