



Appeal Decision

Site Visit made on 9 June 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2021

Appeal Ref: APP/C3620/W/21/3266746

The Old House, Guildford Road, Westcott, Dorking, Surrey RH4 3NG

- 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 Nicholas Paul Ridout against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1345/PLA, dated 30 July 2019, was refused by notice dated 3 August 2020.
 - The development proposed is erection of 3 new homes within the existing garden of The Old House, Westcott.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 3 new homes within the existing garden of The Old House, Westcott at The Old House, Guildford Road, Westcott, Dorking, Surrey RH4 3NG in accordance with the terms of the application, Ref MO/2019/1345/PLA, dated 30 July 2019, subject to the conditions listed in the schedule at the end of this decision.

Preliminary Matters

2. The application form is undated, so the date of the application in the banner heading is taken from the decision notice and appeal form.

Main Issues

3. The main issues are whether the proposed development:
 - would preserve or enhance the character or appearance of the Westcott Conservation Area and the Area of Outstanding Natural Beauty with particular regard to the demolition of the wall fronting Chapel Lane.
 - would provide satisfactory living conditions for future occupiers of plot 1 having regard to the noise and disturbance from Chapel Lane.

Reasons

Character and Appearance

4. The Westcott Conservation Area (CA) comprises the centre of Westcott Village and derives its significance, as a whole, from the historic layout of the village centre and the traditional buildings and open spaces associated with it. The size of properties and plots are mixed and this contributes to the interesting organic character of the area. These elements therefore make a positive contribution to the significance of the CA.

5. The Old House is a substantial dwelling facing the main A25 that runs through the centre of the village. It is a large property set in very generous private grounds, enclosed by an established brick wall. The wall in question encloses the boundaries of the site, including a length to Chapel Lane. It's traditional construction and materials make a positive contribution to the historic appearance of the grounds of Old House and therefore, to these positive characteristics of the CA.
6. The proposed development would retain the majority of the length of the wall in its original appearance, retaining a significant amount of its traditional construction and materials. The extent of the removal is to provide sightlines for those entering and leaving the development. This size of splay would be required to provide a safe access. However, alterations including the loss of part of its length would partially remove these positive features of the CA, albeit that the extent of loss would be minor, and the scale of the wall's contribution to the significance of the CA as a whole is small.
7. The development would retain an appropriately large garden to the host dwelling, and the smaller proposed curtilages are appropriate to the varied sizes of plots and urban grain of the surrounding built up, village area. As such I am satisfied that the partial development of this residential garden is acceptable. The two storey height, proposed roofs and traditional materials and openings result in an appropriate appearance to the proposed dwellings and details of hard landscaping could be secured via condition. As such, the design of the proposed dwellings would preserve the character and appearance of the CA.
8. The site is also within the North Downs Area of Outstanding Natural Beauty and the village of Westcott is a traditional settlement within the wider setting of the open countryside including the hills to the north. However, given the size and scale of the wall within this wider landscape its contribution to the scenic beauty of this area is minimal.
9. The development proposes the loss of generally poor quality trees which do not have a marked influence on the character and appearance of the surroundings and replacement soft landscaping could be secured by condition. Some pruning may be required to the large Copper Beech, however, the tree would be retained. Consequently, the proposed development would conserve the character and appearance of the CA in this respect.
10. Nevertheless, the partial loss of the wall would result in limited and localised harm to the character or appearance of the CA. In this respect the proposed development would be contrary to Policy ENV22, ENV23 and ENV39 of the Mole Valley Local Plan Adopted 12th October 2000 (the Local Plan) and Policy CS14 of the Mole Valley Local Development Framework Core Strategy Adopted October 2009 (the Core Strategy). Together these require that developments in Conservation Areas shall preserve or enhance the character and appearance of the area and that development respect the setting, character and appearance of the locality, amongst other things.
11. Heritage assets are irreplaceable and great weight should be given to their conservation. Having regard to my statutory duty, I attribute considerable importance and weight to the harm that would arise in this case. I quantify the harm identified as less than substantial, due to the modest scale of the loss of the wall and its contribution to the CA as a whole. The National Planning Policy

Framework 2019 (the Framework) directs that such harm should be weighed against the public benefits of the scheme.

12. The proposed development would provide the social and economic benefits associated with three new dwellings within the village of Westcott, close to its shops and services. This would make a modest but valuable contribution to the government's target of significantly boosting the supply of homes. Even attributing considerable importance and weight to the minor harm to the significance of the CA, this would be outweighed by the important social and economic benefits of the provision of three houses.
13. I also give great weight to conserving and enhancing landscape and scenic beauty in the AONB, which has the highest status of protection in relation to these issues. However, given its minimal contribution to the above and taking into account the limited extent of its removal, the partial removal of the wall would not result in harm to this important landscape, which would be preserved.
14. Consequently, the public benefits of the scheme would outweigh the less than substantial harm to the CA arising from the partial demolition of the wall fronting Chapel Lane.

Living Conditions

15. Chapel Lane is a narrow road wide enough for one vehicle with no pavements or grassed verges. It leads to both dwellings and business premises and is used by vehicles including commercial lorries which are required to pass very close to the walled boundary of the Old House to enter and exit the Lane. The transport survey shows that on a weekday there were a total of between around 80 and 120 vehicle movements.
16. Plot 1 proposes 4 windows directly onto this boundary, serving rooms including a bedroom. It would be possible to ensure appropriate noise levels for future occupiers and make this development acceptable in this respect, by the use of a condition. I have taken into account the comments sought from the parties on this matter. The recommended condition would secure acceptable internal noise levels for residents of the proposed development.
17. The windows to Chapel Lane are mainly at a high level which would not be easily overlooked by passers by and all the windows are some distance from nearby dwellings and do not provide direct views. As such they would provide an acceptable degree of privacy both for the proposed and existing dwellings.
18. Therefore, the proposed development would provide acceptable living conditions for future occupiers with particular regard to the noise and disturbance from Chapel Lane to the occupiers of plot 1. Consequently, in this respect, it would be in accordance with the Local Plan policy ENV22 which requires that development should provide a satisfactory environment for occupiers of the new development, amongst other things.

Other Matters

19. There is the potential for some disruption to those who use Chapel Lane, including St Johns Church during construction. However, this would be temporary and conditions requiring the submission of a construction transport management plan (CTMP) to ensure that the right of way is not obstructed

would satisfy this concern both during and post construction and would minimise any disturbance. Notwithstanding the living conditions and highway safety matters referred to above, legal rights of way are private matters and not a material planning consideration to which I can take into account in reaching my decision.

20. Chapel Lane is narrow and passing pedestrians and/or cars is not possible for the majority of its length, and larger vehicles pass close to the wall of the Old House. However, it appears that it has been operating safely up to this point, and that any significant damage occurring to the wall is uncommon. The traffic comings and goings associated with three dwellings would not significantly alter this situation.
21. I am not provided with detailed evidence that applications for additional units have been submitted. If this occurred in the future the Council retains the right to consider such proposals on their individual merits.

Conditions

22. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
23. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Conditions requiring details of materials, implementation in accordance with the arboricultural report and soft landscaping would be necessary to preserve the character and appearance of the area.
24. A noise assessment, maintaining access along the public right of way and a CTMP are required for the reasons set out in the main report above. The CTMP is a pre commencement condition as the measures included would be required for the full duration of the works and the wording of this condition has been agreed by the appellant.
25. The provision of intervisibility splays and implementation of car parking and turning areas are required in the interests of highway safety, and an electric charging point should be provided in order to promote sustainable transport.
26. Surface water drainage details are needed to reduce the risk from surface water flooding. This condition is pre commencement as the scheme would be required to be implemented before above ground works commence, and as such its wording has been agreed by the appellant. Details of decentralised and renewable or low-carbon energy sources are required in the interests of renewable energy and energy conservation. Details of porous hard surfacing are necessary in order to preserve the character and appearance of the area and to mitigate flood risk.
27. Planning Practice Guidance (PPG) states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The Town and Country Planning (General Permitted Development) (England) Order 2015 does not remove permitted development rights relating to development within the curtilage of a dwellinghouse for Classes A, B, C or E in a conservation area. Therefore, the small scale development that falls in

these categories would preserve the character or appearance of conservation areas. The Council has not provided sufficient justification for imposing such conditions. As they would not meet the tests, I have not imposed them.

Conclusion

28. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers 01, 02, A01, A02, A03, A04 dated 23.01.2020 contained within the application.
- 3) No development shall commence until surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) shall be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

- 4) No development shall commence until a Construction Transport Management Plan, to include details of:
 - i) parking for vehicles of site personnel, operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials
 - iv) HGV deliveries and hours of operation
 - v) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction of the development.

- 5) Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) Before any above ground works commence, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first

occupation of the development hereby permitted and thereafter, permanently retained as such.

The approved surface water drainage details shall be implemented prior to the first occupation of the development.

- 7) Before any above ground works commence, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority and be implemented prior to the first occupation of the development.
- 8) Before any above ground works commence, details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority including planting of trees, shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.
- 9) Before any above groundworks commence, details of a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The report shall include details of noise attenuation measures required to meet the standard for internal noise levels defined in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings).

The noise assessment shall include the impact of any transportation noise, noise from people on Chapel Lane and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The dwelling hereby permitted shall not be first occupied until the noise mitigation measures have been provided in accordance with the approved details.

- 10) The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Chapel Lane, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 11) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 12) The development hereby approved shall not be first occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by

the Local Planning Authority and thereafter retained and maintained for their designated purpose.

- 13) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the Arboricultural method statements submitted in support of the application, including chapter 10 Supervision & monitoring.
- 14) There shall be no obstructions on the public right of way, including vehicles, plant, or storage of materials, at any time. Safe access shall be maintained along the right of way adjacent to the site at all times.