



Appeal Decision

Site Visit made on 20 July 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/C3620/W/21/3268152

Land to the rear of 53 Dorking Road, Bookham KT23 4PY

- 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 and Mrs S Archer-Hurst against the decision of Mole Valley District Council.
 - The application Ref MO/2020/2109/PLA, dated 19 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is "Construction of family dwelling with associated parking and landscaping, following demolition of garage - Revised plans"
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site forms part of what was once a large sprawling garden associated with 53 Dorking Road, on the outskirts of Bookham. No.53 has since been demolished and a replacement dwelling is undergoing construction in its place, alongside what would be the access drive of the appeal site running the length of that newly created plot.
4. The appeal site occupies an area to the rear of a number of properties and is surrounded on all sides by gardens serving a mix of detached and semi-detached houses, giving its surroundings a spacious character, interspersed with domestic outbuildings of various sizes. Neighbouring plots surrounding the appeal site tend to be long and rectangular, with the obvious exceptions being properties in Oakdene Close which borders the site to the east, where plots are irregular and more constrained, resulting in the dwelling at 9 Oakdene Close sitting close to the appeal site boundary.
5. It is proposed to erect a four-bedroom house in what has been described as a chalet bungalow style, with accommodation set over two floors. It would be of contemporary design on account of its irregular shape seeking to efficiently use space within the site while respecting neighbouring residential properties, with a crown roof containing a number of roof lights and one long dormer on the northeast elevation. The site would be partially excavated to lower the proposed building, reducing its impact and ensuring level access throughout, as the site slopes down gradually away from Dorking Road.

6. There is little consistency in the design of houses along this part of Dorking Road, where detached one and two storey houses tend to occupy the full widths of their plots, which is a common trait in the wider surroundings. The layout of the appeal site is therefore already different to the prevailing character of the area, but at present the open site contributes to the spaciousness created by adjoining large gardens. The proposed dwelling would also differ from neighbouring properties in that it would be set in from all boundaries, located centrally within its site, forming what would appear as a cluster of houses with those at the end of Oakdene Close. In this context, the atypical architectural style of the proposed dwelling would not cause any harm to the character or appearance of the area.
7. However, in comparison to neighbouring properties, the proposal would appear to be of significant size and mass when seen in views from all directions, despite being set at a lower level. It would not read as a modest single storey building, and although the siting of the proposed dwelling in the centre of the site would ensure separation gaps of at least 4m on all sides, these gaps would be insufficient to prevent the proposed built form from unduly dominating the site and its surroundings. The proposed dwelling would therefore appear uncharacteristically large for the confined site, appearing cramped within what are otherwise ample surroundings.
8. I note the approximate calculations presented which suggest the proposed dwelling would have a comparable floor area to that of some neighbouring properties, and the percentage of plot area occupied by buildings for the proposal would be relatively low compared to some neighbouring properties. However, the specific circumstances of the appeal site are somewhat different to most neighbouring plots, being constrained by an irregular plot shape at the rear of neighbouring houses, sharing boundaries with neighbouring gardens, which have implications for the visual impact of the proposal.
9. The proposal would therefore cause substantial harm to the character and appearance of the area on account of the size and mass of the proposed dwelling within a confined site, which would appear uncharacteristically cramped. This would be contrary to Policy CS14 of the Council's Core Strategy¹ and Policies ENV22, ENV23 and ENV24 of the Council's Local Plan². These require, amongst other things, new development to respect and enhance the character of the area, be appropriate to the site and its setting in terms of its scale, character and bulk, and not result in a cramped appearance.

Other Matters

10. I note a recent grant of planning permission since the submission of this appeal for a smaller dwelling of similar design and siting at the appeal site, which would constitute a fallback position for the appellants. I have seen the approved plans, which the appellants submitted as part of their final comments and which the Council were given an opportunity to comment on. Although the approved scheme bares similarities to the proposal in terms of the form of buildings and plot layouts, the approved scheme does not lead me to conclude that the appeal proposal would not cause harm to the character and appearance of the area. The level of harm caused by the appeal proposal would remain worse than the approved scheme.

¹ Mole Valley Core Strategy (2009)

² Mole Valley Local Plan (2000)

11. The appellants have also explained how the proposal would assist their family in providing good quality housing of sufficient size, accessible to a disabled family member. The appellants have advised that the proposed scheme would offer a higher standard of accommodation compared to the approved scheme. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. A member of the appellants' family has a protected characteristic for the purposes of the PSED; however, as an approved scheme exists at the appeal site for an accessible dwelling, I do not consider the benefit of a higher standard of accommodation for the appellants' family outweighs the harm that would be caused to the character and appearance of the area.
12. The Council is unable to demonstrate the supply of housing sites required by the Framework³. In cases such as this, the most important policies are deemed to be out of date and Paragraph 11(d)(ii) of the Framework states that planning permission should be granted for applications involving the provision of housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have found harm relating to the effect of the proposal on the character and appearance of the area. Whilst I may attribute less weight to the most important policies by virtue of them being out of date, harm arising out of the proposed development would not be as affected. This harm would be significant and long lasting and as such I would assign substantial weight to it.
13. The benefits of the proposal include the contribution of one energy efficient four-bedroom house to the district's housing supply, which would have adequate space and be accessible to disabled persons, which could provide a high standard of accommodation to the appellants' family. There would also be short-term economic benefits during the construction phase of the proposal. These are modest benefits to which I assign moderate weight.
14. The Framework advises that planning permission should be refused for development which is not well designed and that development should add to the overall quality of the area and be visually attractive. The adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. The proposal would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

15. For the reasons given above I conclude that the proposal would fail to accord with the development plan and there are no material considerations that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed.

L Douglas

INSPECTOR

³ National Planning Policy Framework (2021)