



Appeal Decisions

Site visit made on 13 April 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal A: APP/C3620/Y/21/3284189

23 Rose Hill, Dorking RH4 2EA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Andrew Campbell-Hart against the decision of Mole Valley District Council.
 - The application Ref MO/2021/1078/LBC, dated 2 July 2021, was refused by notice dated 31 August 2021.
 - The works proposed are described as installation of solar panels.
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Appeal B: APP/C3620/W/21/3281976

23 Rose Hill, Dorking RH4 2EA

- 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 Andrew Campbell-Hart against the decision of Mole Valley District Council.
 - The application Ref MO/2021/1090/PLAH, dated 2 July 2021, was refused by notice dated 31 August 2021.
 - The development proposed is installation of solar panels.
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Decisions

Appeal A

1. The appeal is allowed and listed building consent is granted for installation of solar panels at 23 Rose Hill, Dorking RH4 2EA in accordance with the terms of the application Ref MO/2021/1078/LBC, dated 17 June 2021, and the plan submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
 - 2) No works shall take place until details of the design of the solar panels have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Appeal B

2. The appeal is allowed and planning permission is granted for installation of solar panels at 23 Rose Hill, Dorking RH4 2EA in accordance with the terms of the application, Ref MO/2021/1090/PLAH, dated 17 June 2021, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan Proposed Elevations and Equipment Room Details Site Plan 21-06-01 Rev A.
- 3) No development shall take place until details of the design of the solar panels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issues

3. The main issue in respect of both Appeal A and Appeal B is the effect of the proposal on the special architectural and historic interest of 23 Rose Hill, and linked to that, the effect of the proposal on the character and appearance of the area, having particular regard to its location within the Dorking Conservation Area.

Reasons

Effect of the proposal on 23 Rose Hill

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) of the Act prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. The appeal property is a Grade II listed building, is the southern half of a mid-19th century, two storey semidetached villa. The original building is of rendered brick with a mansard, slate covered roof, set between end stacks and with a central double front porch. Either side are later, two-storey rendered additions, each set down from the main mansard with a hipped, slate covered roof. Its special architectural interest lies in its situation as part of the residential development along Rose Hill, which was established following the sale of the Butler Hill Estate. A number of large Italianate and Tudor style villas were erected, facing onto a generous piece of common land, No 23 Rose Hill is one of these dwellings and thus contributes to both the architectural and historical development of Dorking.
6. The proposal would result in two sets of solar panels being installed on the property. Two solar panels would be located on the flat roof between two pitched roofs on the south side of the property with a further eight panels located on the western roof slope of the property at the rear.
7. I observed on my site visit that the existing rear roof has a traditional tile appearance, with windows set into the mansard element, which is the dominant element of the roof form and draws the eye. The roof slope identified for the panels do not notably add to the character of the property, being more subservient to the dominant features. The side element is a flat roof, which is part of a rather busy elevation containing a variety of roof forms and window detailing. Thus, although the panels would alter the appearance of both the

rear roof and the side flat roof, the panels would not significantly alter the overall appearance nor unduly detract from the character and appearance of the building. The existing form, scale and architectural style of the host building would be broadly preserved.

8. The solar panels would not themselves remove any historic fabric of the host building, however it would be necessary to secure the panels to the roof, and the proposal would therefore interfere with the historic fabric of the building. It is also possible that the process of securing the panels would result in some loss of historic fabric. By virtue of the workings of the Act, underlined by paragraph 199 of the National Planning Policy Framework, these harmful impacts must attract considerable weight.

Effect of the proposal on the character and appearance of the area

9. Section 72(1) of the Act seeks that in relation to Conservation Areas special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
10. Rose Hill is one of the largest areas in the Dorking Conservation Area (the Conservation Area). The significance of Rose Hill in respect of its contribution to the Conservation Area lies in the combination of the grandeur of the houses which are a series of detached and semi-detached Victorian villas, the relationship of the built form with the central grassed enclosure, and the sense of overall splendour. No 23 Rose Hill contributes to the significance of the Conservation Area as part of the group of villas, which is largely established through its orientation towards the central grassland, albeit being set further down Rose Hill and thus in a slightly less prominent position.
11. Due to the location of the panels, the topography of the site and boundary treatment, the contribution of the appeal property to the group of buildings within the Conservation Area would be retained. Consequently, I find that the proposal would not harm the significance of the Conservation Area or the character of the area more widely.

The Balancing Exercise

12. I have found that the proposal would result in some harm to the special interest of the building. That said, I agree with the Council that the harm caused would be, in Framework terms, less than substantial. Paragraph 202 of the Framework sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. I fully acknowledge and understand the intentions of the appellant to generate energy in a sustainable manner, and the proposal would assist in contributing to the production of renewable energy. Whilst this would be a modest contribution in respect of energy consumption in wider social terms, it would nevertheless provide public benefits in reducing the reliance of the appeal property on unsustainable forms of energy.
14. Whilst I attach considerable importance and weight to the harm that would be caused to the listed building, given the increasing importance of renewable energy I find that the public benefits which would result from the proposal outweigh the less than substantial harm that would be caused.

15. It would comply with Policies ENV22 and ENV43 of the Mole Valley Local Plan and Policy CS14 of the Mole Valley Core Strategy. These policies collectively require development to respect and enhance the character of the locality, to protect areas of historic importance, and prohibit development that would detract from the character or setting of the building.

Conclusion

16. In respect of both Appeal A and Appeal B, I conclude that for the reasons above the appeals are allowed, subject to conditions.
17. I have specified the plans by way of condition for certainty, and required details of the panels to ensure that the appropriate materials are used such to retain the special architectural and historic interest of the building. Having regard to the status of the appeal property as a listed building I consider it necessary for details to be agreed prior to commencement.

J Ayres

INSPECTOR