



Appeal Decision

Site visit made on 14 June 2022

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/R3650/W/22/3290216

**Land South of Goose Cottage, Green Lane, Dockenfield, Surrey,
GU10 4JD**

- 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 D Kirkby against the decision of Waverley Borough Council.
 - The application Ref WA/2021/01853, dated 23 April 2021, was refused by notice dated 15 November 2021.
 - The development proposed is erection of a dwelling with new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have been referred to a previous appeal decision on the appeal site¹. This was for a similar proposal. The findings of the previous Inspector are therefore a material consideration that carries significant weight.

Main Issue

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

Reasons

4. The appeal site is located on Green Lane and is an undeveloped parcel of land that sits adjacent to an existing dwelling called Goose Cottage. The topography of the land falls downwards to the rear boundary of the site. I understand that the appeal site previously formed part of the residential curtilage of Goose Cottage, before being fenced off from the host property, which I observed on my site visit.
5. The proposal seeks to construct a detached dwelling, with access from Green Lane. The proposed dwelling would be two-storeys with the upper floor located within the roof space. The dwelling would be of a fairly traditional design.

¹ APP/R3650/W/19/3242100

6. The appeal site is located within an Area of Great Landscape Value (AGLV). Policy RE3 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, 2018 (the LPP1) sets out that the same principles for protecting the Surrey Hills Area of Outstanding Natural Beauty will apply in the AGLV, which will be retained for its own sake and as a buffer to the AONB, until there is a review of the Surrey Hills AONB boundary, whilst recognising that protection of the AGLV is commensurate with its status as a local landscape designation. Policy RE3 also requires new development to respect and where appropriate, enhance the character of the landscape.
7. It was clear from my site visit that Green Lane is characterised by largely detached properties, surrounded by generous curtilages that form extensive leafy gardens. The existing dwellings are in a fairly organic pattern that flank each side of the lane. I agree with the previous Inspector, that overall, Green Lane has a semi-rural character which contributes positively to the local distinctiveness of the area.
8. The scheme would permanently sub-divide the residential curtilage of Goose Cottage to form two smaller plots. The previous Inspector found that *'the limited size of the proposed plot and the resultant plot for the host building would be a significant departure from the prevailing pattern of development in the local area and out of keeping with the area's semi-rural character. This in turn would cause an urbanising effect which would cause significant harm to the local distinctiveness of the area'* (Paragraph 12). In this case, the plot would be sub-divided in a very similar manner and based on my own observations, I agree with the previous Inspector's conclusions. It was also clear from my site visit that the resulting plot of Goose Cottage, with the boundary fences located tightly around it, appears incongruous within its surrounding context.
9. The proposal would cause significant harm to the local distinctiveness of the area and would cause harm to the intrinsic character and beauty of the countryside and the landscape character of the AGLV.
10. The traditional design, materials and architectural approach of the proposed dwelling; the proposed green roof; the fact the dwelling would be set at a lower level to Green Lane reducing its visual prominence; the existing verdant backdrop or potential for further perimeter screening; or that there is woodland to the south of the appeal would not overcome the identified harm.
11. A Certificate of Lawfulness for the construction of vehicular access and erection of entrance gates, walls and railings has been granted since the previous appeal. Whilst this is noted, and I accept that this would change the appearance of the appeal site close to Green Lane. It would not in itself overcome my concerns with regard to the incongruous appearance of the resulting plot sizes.

12. The appellant notes that a planning application (Council Ref - WA/2017/1498) was approved for the 'erection of a detached double garage following demolition of existing garage' on the appeal site and that this forms a material consideration, particularly that a structure has been evidenced on the site previously. However, a garage on the appeal site would, in my view, be clearly viewed as an ancillary building to the host dwelling. This could also be said for any residential paraphernalia associated with Goose Cottage that could be placed on the appeal site. These matters do therefore not provide any justification for a new dwelling and plot division on the appeal site.
13. For all of the reasons above, I conclude that the scheme would cause significant harm to the character and appearance of the area. As a result, the proposal conflicts with Policies RE1, RE3 and TD1 of the LPP1 and Saved Policies D1 and D4 of the Waverley Borough Council Local Plan, 2002 and the National Planning Policy Framework, 2021 (the Framework).

Other Matters

14. The appellant is of the view that the proposal makes efficient use of land. Paragraph 119 of the Framework states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. In this case, I have identified that the scheme would cause significant harm to the character and appearance of the area. It would therefore not accord with Paragraph 119 of the Framework.
15. The proposal would make a modest contribution to the Council's housing land supply and would be of sustainable construction. It is also acknowledged that the principle of new dwellings in the surrounding area has been established and the provision of one dwelling would make a very modest contribution to the enhancement and/or maintenance of the vitality of the rural community. I consider that the acceptability of the proposal in relation to other matters such as the amenity of neighbouring residents and highways are matters of neutral weight. Overall, I am not of the view that these matters either individually or in combination are sufficient to outweigh the identified harm.
16. Interested parties have raised numerous other concerns. However, I am dismissing the appeal for other reasons and consequently such matters do not affect my overall conclusion. I have therefore not considered them further within my decision.

Conclusion

17. For the reasons given above and having regard to all other matters raised, the scheme does not accord with the development plan when considered as a whole and there are no material considerations to

indicate a decision should be taken other than in accordance with the development plan. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR