



Appeal Decision

Site visit made on 17 November 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022

Appeal Ref: APP/C3620/W/21/3288668

1 Mowbray Gardens, Dorking, Surrey RH4 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Marsh Homes against Mole Valley District Council.
 - The application Ref MO/2021/1685, is dated 2 September 2021.
 - The development proposed is erection of a new building comprising of 3No. separate flats on land to the east of 1 Mowbray Gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that had the appeal against non-determination not been made they would have refused permission in relation to the effect of the development on the character and appearance of the area.
3. A subsequent planning application for the erection of a dwelling on the site was approved on 2 March 2022 (ref. MO/2021/2332). At the time of my site visit a car port to the side of 1 Mowbray Gardens (no.1) had been demolished and footings laid for a development alongside the existing house.

Main Issue

4. The main issue is the development's effect on the character and appearance of the area.

Reasons

5. Mowbray Gardens comprises semi-detached two-storey houses with a regular design. They have pitched roofs with side facing gable ends in yellow brick with red first floor tile-hanging to the front. Several dwellings have been extended, but the rhythm of building blocks and the appearance of the upper floor and roofscape remains largely unchanged, particularly close to the appeal site.
6. The proposed building would be built on slightly lower ground than no.1 but would be a little higher than the ridge line to nos. 1 and 2 Mowbray Gardens. It would have a side facing hipped roof as opposed to the gable end characteristic of the road. There would be a front facing gable, but its angle of pitch would be steeper than that for nearby houses. The building's flat top to its extensive crown roof would not be visible from street level, but the roof would have a bulky appearance arising from the combination of its steep pitched profile, height and depth into the site.

7. Overall, the form and massing of the building would contrast unfavourably with that of the strongly established appearance to neighbouring buildings. The development would thereby be detrimental to the character and appearance of the area. It would be contrary to Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan (2000) which require a proposal's scale, form and appearance to respect the character and proportions in an established townscape. There would also be conflict with Policy CS14 of the Mole Valley Core Strategy (2009) in relation to the design of new buildings respecting local townscape.
8. The appellant points out that the building has been designed to appear as a single dwelling and that as the first building in the road it would provide a "bookend" and not interrupt the line of houses in Mowbray Gardens. Moreover, that there is a variety of architectural styles within the "Station" character area in which the site lies. However, the proposal would be perceived most closely with the more uniform character of Mowbray Gardens, and its profile and massing would be conspicuous in the approach from Croft Avenue.
9. The Council cannot currently demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework). Its latest reported figure is only 2.9 years and latest Housing Delivery Test result just 70% delivered against housing targets. As such, the presumption in favour of sustainable development set out at Paragraph 11 of the Framework is engaged. Permission therefore should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies of the Framework as a whole.
10. The proposal would result in the benefit of 3 dwellings in a sustainable location near to local services and public transport connections. As much of Mole Valley is covered by restrictive Green Belt policies it is important to utilise sites within the built up area for additional housing. The proposal would accord with the Framework's objectives to significantly boost the supply of homes.
11. Set against the proposal is the harm that would arise to the character and appearance of the area. Permission has also been granted for a single dwelling at the site; the net increase of 2 additional dwellings in the proposal would not make a significant contribution to the Council's housing shortfall; the consented dwelling would also be larger than those in the proposal.
12. Paragraph 119 of the Framework promotes an effective use of land in meeting the need for homes and other uses, whilst safeguarding the environment. Paragraph 130 requires development to be sympathetic to local character, including the surrounding built environment, whilst not preventing innovation or change. The permitted detached house on the site would result in a change that has been deemed acceptable in relation to its design and appearance. In my judgement, the harm arising to the character and appearance of the area from the current proposal would significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework as a whole.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR