



Appeal Decision

Site visit made on 14 December 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03/01/2023

Appeal Ref: APP/C3620/W/22/3298811

Bluebell Cottage, Horsham Road, Walliswood, Dorking, Surrey RH5 5RL

- 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 Mrs N Lamont against the decision of Mole Valley District Council.
 - The application Ref MO/2021/1768/PLA, dated 7 September 2021, was refused by notice dated 10 February 2022.
 - The development proposed is described as the construction of new dwelling following demolition of the existing property.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling following demolition of the existing property at Bluebell Cottage, Horsham Road, Dorking, Surrey RH5 5RL in accordance with the terms of the application, Ref MO/2021/1768/PLA, dated 7 September 2021, subject to the attached schedule of conditions.

Procedural Matters

2. During my site visit I observed several substantial outbuildings within the site which are not shown on the submitted plans. The appellant has confirmed they would be retained.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is part of the low density, residential development along Horsham Road which forms the transitional buffer between the small village of Walliswood and the rural areas beyond. The dwellings in this area are generally large and detached, within generous plots, and well screened from the road. They are mainly traditional in form and design, and the majority appear individually built, so there is no strong vernacular.
5. Although including a similarly sized dwelling, the appeal site is larger than those surrounding it. It includes several groupings of established trees within the large rear and side gardens, along with several substantial outbuildings. The appeal dwelling itself has a traditional single storey frontage, but an unusual roof form means the rear elevation is 2 storey and includes a first floor balcony.

6. The site is well screened from the road by high fencing behind mature trees and hedging. The hedging extends down the side of the site between it and the driveway to the adjacent properties and is wrapped on the other side and to the rear by a woodland coppice.
7. The Council consider this appeal site to be located within the countryside beyond the Metropolitan Green Belt and this is not contested by the appellant. Policy ENV3 of the Mole Valley Local Plan (LP) seeks to protect the open character of the countryside stating replacement dwellings may be acceptable subject to compliance with other relevant development plan policies and that their scale, form, impact, and siting are appropriate. This is supported by LP Policy RUD8.
8. The proposed new dwelling would be taller, wider, and deeper than the existing property so would lead to an increase in floorspace and bulk. However, the proposal would be traditional in form and design, and proportionate in scale. This would be in keeping with the character and appearance of the other properties in the area. It would be sited similarly to the original dwelling so would not alter the overall character of, relationship with, or screening created by, the existing boundary treatments, trees, or outbuildings.
9. Within the street scene, the proposal would not be any more visible than the existing property, due to the existing road facing boundary treatments. The proposed central location of the new dwelling within the somewhat enclosed appeal site, its contiguous relationship with Walliswood, and the screening provided by the trees both within and around the site, would ensure it would not be visually intrusive when viewed from the wider area. Thus, the proposal would not have a detrimental impact on the open character of the countryside.
10. Therefore, the proposal although larger would not, in these circumstances, be disproportionate. Its form, bulk, or overall size would not have a detrimental impact on the character and appearance of its surroundings. It would also not cause harm to the open character or appearance of the countryside beyond the Metropolitan Green Belt.
11. Consequently, I do not find that the proposed development would harm the character and appearance of the area. It would comply with LP Policies RUD8 and ENV3 insofar as they seek to protect the countryside for its own sake.
12. Policy ENV2 of the emerging Local Plan has been referenced. However, the emerging Local Plan is still in the early stages of the examination so can be afforded very little weight, and it does not alter my findings.

Other Matters

13. In relation to Paragraph 11 of the National Planning Policy Framework (the Framework), the appellant considers the policies described in the main issue could be out of date. Other than the age of the LP, there is nothing before me which establishes why such policies relating to the management of development, rather than the spatial strategy of the district, should be considered out of date. Nevertheless Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

14. Interested parties consider this proposal could set a precedent for similar development in the area. My decision is based firmly on the characteristics of this particular site and its setting. Any future proposals for replacement dwellings would be similarly assessed on their own planning merits.

Conditions

15. I have considered the Council's suggested conditions against the advice of the Framework and National Planning Practice Guidance. As a result, I have amended them for consistency and clarity. In addition to securing commencement within the relevant statutory timeframe, I have imposed conditions requiring adherence to the approved plans, and that materials should be first approved by the Council to ensure the proposal integrates acceptably with the character and appearance of the area.
16. The Council proposed a condition requiring a mitigation licence from Natural England to be obtained. However, this requirement is set out as part of the actions within the Bat Survey and Scoping reports. Therefore, compliance with the details of these reports would ensure necessary licensing would be obtained, and the ecological interest of the site safeguarded. I have amended the condition wording accordingly.

Conclusion

17. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF 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 plans: Location Plan reference OI1077392; Block Plan reference OI1077393; 12/22/05; 12/22/06; 12/22/07; 12/22/08; 12/22/09; 12/22/10; and 12/22/11
- 3) The development hereby permitted, including demolition, shall be carried out in accordance with the licensing, mitigation and enhancement actions set out within the Bat Survey Report dated 27 September 2020 and the Bat Scoping Report dated 13 July 2021.
- 4) No construction above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.

END OF SCHEDULE