



Appeal Decision

Inquiry Held on 20, 21, 27-29 June 2023

Site visit made on 29 June 2023

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th August 2023

Appeal Ref: APP/C3620/W/23/3316901

South House, 21-37 South Street, Dorking RH4 2JZ

- 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 Rosella Management Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2022/0301/PLA MAJOR, dated 27 January 2022, was refused by notice dated 22 February 2022.
 - The development proposed is demolition of existing buildings and redevelopment of the site to provide 63 residential dwellings (Use Class C3), 465 sqm of flexible commercial floorspace (Use Class E) and 77sqm of amenity space, with associated access, car and cycle parking, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A draft s106 agreement was submitted and discussed during the Inquiry. The Inquiry was held open for the agreement to be signed and dated. It makes arrangements for residential waste collections to be carried out by a private company, guaranteed by a bond payable to the Council, and for a management company to be established to levy a service charge to pay for the waste collection service.
3. The agreement also provides for a car club bay with an electrical vehicle charging point to be established outside the development, for a contract with a car club operator to provide a car club for five years and for each residential occupant of the development to be provided with membership of the car club for two years.
4. The necessity of these provisions and their compliance with the CIL regulations is considered in my reasoning below.

Main Issues

5. At the time the appeal was made, there were eight main issues. By the time the Inquiry was held, the main parties had resolved their differences in most areas but third parties continued to pursue a number of points;

- i. The effects of the proposal on the character and appearance of the area, on the significance of the Dorking Conservation Area heritage asset and on the setting of nearby listed buildings and their significance as heritage assets.
- ii. The effects of the proposal on archaeological assets, including Dorking Caves.
- iii. The effects of the proposal on the commercial attractiveness of the town centre (not pursued by the Council).
- iv. The effects on the proposal on the living conditions of neighbouring properties in terms of sunlight, daylight, privacy and outlook. (Sunlight and daylight not pursued by the Council).
- v. The effects of the proposal on the supply of and demand for car parking (Never an issue with the Council).
- vi. The effects of the proposal on the supply of housing in the area and on housing of different types. (Not now being pursued by the Council).
- vii. The effects of the proposal on the demand for and supply of amenity open space and children's play space. (not now being pursued by the Council).
- viii. The effects of the proposal on local infrastructure and services. (expected to be resolved by the submission of a s106 agreement).

The Inquiry also heard about the benefits of the proposal.

Reasons

Character and appearance and effect on Conservation Area

6. The significance of the Dorking Conservation Area is that it encapsulates the character of a modest provincial town in which the fine grain of its historic centre reflects its medieval origins and subsequent incremental and relatively small-scale development within the physical context of a varied topography. These factors produce a picturesque urban townscape which emphasises the importance of its roofscape against a backdrop of surrounding hills. As the Dorking Conservation Area Appraisal and Management Plan points out; "Perhaps the most striking and visually rewarding experience of the Dorking Conservation Area is viewing the town from the various vantage points of its natural setting."
7. Particular elements of its character include; narrow plots with vertical emphasis (moderating in intensity and consistency as one moves out of the centre along South Street), or subdivision of wider terraced buildings into narrower elements with similar vertical emphasis. Materials also are varied; brick predominates but there is also rubblestone, stucco, plaster, render and tile hanging.
8. Varied eaves and ridge lines reflect changes in topography and the juxtaposition of buildings variously two, three or four storeys in height and of different roof forms (gable-fronted, gable-ended or hipped behind parapets). As the Dorking Conservation Area Appraisal and Management Plan repeatedly

points out¹ “it is the traditional scale and appearance of these roofs which make the roofscape such a sensitive part of the character and appearance of the Dorking Conservation Area.” “In this respect, the roofs (their profiles, shape, pitch and materials) form a particularly important part of the character of the Conservation Area.” My site visit through the Conservation Area and to several of the vantage points of the town’s natural setting confirmed the accuracy of these observations.

9. The existing building on site makes a very poor contribution to the character of the Conservation Area. It is common ground that it is very much of its period and so contributes to a demonstration of the town’s evolution over time. The use of brick cladding and a panel of tile hanging nod in the direction of the use of traditional materials. The columniation of its prominent concrete frame and its shopfronts reflect the finer-grained rhythms of the town’s fabric but those gestures are overwhelmed by the insistent horizontal emphasis of the parapet, eaves, strip windows and shop fascias of the façade and its flat roofed form so that it presents an appearance quite alien to the character of the Conservation Area overall. For that reason, I agree that its demolition would remove a factor which detracts from the character of the town centre and so, would count as an enhancement in its own right and would open the way for a greater enhancement.
10. The site which would thus be created is an allocated site within the emerging (but paused) local plan. It would be one of the largest plots in Dorking. The development proposed would be a mixture of three, four and five storeys in height. (I was informed of no building more than four storeys in height anywhere else in the Conservation Area). It would be developed in depth, on a T-shaped plan (as is the current building on site). In consequence, it would be one of the most substantial buildings in Dorking. It would therefore require deployment of all the devices in an architect’s toolbox to moderate its mass and avoid harm to the character of the Conservation Area.
11. The Council acknowledges (and I agree) that considerable efforts have been made. The proposal would rise to five storeys in single storey steps both from adjacent two and three storey buildings and within itself. Although policy DS29 of the emerging (but stalled) Draft Mole Valley Local Plan 2020-2037 requires any developer of this site “to respect the character of South Street, in particular the storey heights which are of a maximum of three storeys”, the emerging policy is factually inaccurate in that I observed Haybarn House, Chartwood Place and numbers 85/87 and 89-93 South Street all to comprise four storeys in height. The additional storey of the development proposed is without precedent in Dorking but juxtapositions of single storey variations in height are common in the Conservation Area and so, the overall height of the building proposed would not, of itself, make the building so out of character as to be unacceptable.
12. The lengthy façade of the proposal would be divided by “shadow breaks”² into elements of varying widths typical of the widths of plots or subdivisions of other terraced buildings in Dorking, emphasised by the use of render and brickwork of two differing colours. The size and proportions of the windows provide a vertical emphasis to each component of the design.

¹ In paragraphs 12.1.1, 12.2.2.2, and 15.5

² Recesses in the brick façade, about 300mm wide, 300mm deep, carried vertically through the height of the building.

13. However, these devices are not sufficient to disguise the fact that the proposed building would present to South Street a continuous flat façade without progression or recession (other than the minimal “shadow breaks”) approximately 56m in length. Only above the third storey (second floor) would there be recession of the fifth and parts of the fourth storeys (fourth and third floors). By contrast, the adjacent Victoria Terrace, one of the more substantial buildings in Dorking but only about two-thirds the length of that proposed, is not only curved in plan but has a projecting central section with two gables which break up the plane of the façade and the eaves line as well as canted bay windows which further break up the plane of the façade.
14. In the continuous flat façade of the first, second and part of the third floor of the proposal would be 44 windows but only of two different sizes or type, so providing little variation. The frontage to South Street would have no projecting bay windows or feature other than the minimal “shadow breaks” to break up the unvaried flatness and extent of its plane.
15. Although the appellant’s Heritage and Townscape Assessment claims that the stepped form of the proposal also emphasises the characterful changes in the street’s topography³, in fact the design of the scheme does the precise opposite. As in the existing building on site, the heights of the ground floor units would be adjusted along the length of the façade to absorb the slight rising and falling ground level topography so that the cills and lintels of the upper floor windows and the parapet line would all align horizontally. Consequently, they would fail to disguise the effect of the continuous mass of the proposal. By contrast, the Waitrose building opposite, which has a continuous internal floor level, contrives to have window cills of varying heights and a stepped eaves line, following the contour of the topography.
16. The proposal would have an orthogonal roofline. Although the top floors would be recessed, their design is cubist in nature, in contrast to the pitches of the rooflines of the majority of buildings in Dorking. This means that even where the height of the third floor (fourth storey) adjacent to Victoria Terrace approximates to the height of the latter’s ridge line, it would protrude much more noticeably into the street with a flat-roofed profile, contrasting with the hips, pitches and gables of the rest of the Conservation Area.
17. The fifth storey (fourth floor) and the parapet of the fourth storey (third floor) below it would have a continuous flat roofline approximately 24m long on the west elevation of the building with two lower parapet lines of lesser extent on either side. The undifferentiated length of the parapet and flat roof of the south elevation of the rear projecting wing would be about 29m in extent.
18. These dimensions, whilst perhaps not excessive in themselves, when applied to a roof form which is alien to the essential character of Dorking, so influenced by roofscape, on a building of more storeys than most, which would be positioned prominently in views of the Conservation Area from vantage points around the town⁴, would have a harmful effect on the character of the Conservation Area, seen as a whole.

³ Paragraph 6.11

⁴ Such as Nower Wood, Ranmore Road, Ranmore, Chalkpit Lane and Rose Hill. The site is less prominent in the view from Box Hill

19. In the street scene, although there is a line of trees in front of the site, which would obscure views of the proposed building and its roofline from directly opposite, more sidelong views from within South Street, both from north and south of the site, would reveal that the character of the building is not consistent with that of the Conservation Area as a whole.
20. I therefore conclude that the proposal would be contrary to policy CS 14 of the Mole Valley Local Development Framework Core Strategy adopted in October 2009. Amongst other matters, this requires that all new development must respect and enhance the character of the area in which it is proposed and provides that areas of historic or architectural importance will be protected in accordance with legislation and national and regional guidance.
21. It would also be contrary to policies ENV22, ENV23 and ENV39 of the Mole Valley Local Plan adopted 12 October 2000. These require development to have a design and layout appropriate to the site in terms of its scale, form and appearance and external building materials and to respect the character and appearance of the locality; to respect its setting, taking account of scale, character, bulk, proportions and materials of surrounding built development, public views warranting protection and the roofscape; to be well detailed such as to reflect the local historic character, scale, quality, settlement form and materials and to safeguard significant views into and out of the Conservation Area.
22. The effects of one site, even a prominent site, within such an extensive Conservation Area as Dorking, would not, of course, negate the significance of the Conservation Area as a whole and so the harmful effect of the proposal on this heritage asset would be less than substantial but it would be as great as the harm to the character of the Conservation Area caused by the current building on site and so, would neutralise any beneficial effect arising from the demolition of the current building proposed.

The setting of nearby listed buildings

23. Both main parties are agreed, and I concur, that nearby listed buildings fall into two groups; those in South Street opposite the site and; those in Rose Hill to its rear. I deal with each group in turn.
24. The South Street group comprises "Stone Roof" (66-70 South Street), 80/82 South Street, 86 South Street and 94/96 South Street on the opposite side of the road from the site. In the vicinity is a K6 telephone kiosk (in front of the northern limit of the site on South Street).
25. There are also undesignated heritage assets which form part of this group; numbers 62, 64, 72, 74, 76, 84 and 88 South Street on the side of the road opposite the appeal site, and numbers 39, 41 and 43 South Street and Victoria Terrace (numbers 1-6) either side of the appeal site on the eastern side of the street.
26. Both parties are agreed, and I concur, that the significance of these assets lies in their evidential, historic and aesthetic value. There is no suggestion that their significance derives from communal value (the meanings of a place in collective experience or memory), even though both main parties agree that the widened extent of South Street in front of the site, Victoria Terrace and the Quaker Meeting House represents a "pleasant focal point" which contains the

- town's war memorial, a planted garden area and a strip of grass with trees. That pleasant focal point dates from the 1920s when the street was widened. It postdates the group of listed buildings by a considerable margin. They contribute to its significance, rather than the other way round.
27. All the heritage assets in this group are significant for their historic fabric and workmanship (their evidential value). None of that would be changed by any change to their setting caused by the proposal. All of the heritage assets within this group are manifestations of the changing nature of the town and its commercial fortune (historic value). None of that would be changed by any change to their setting caused by the proposal. Each of the heritage assets in the South Street group also has an inherent aesthetic value which would not be affected by the development proposed. Both parties are agreed, and I concur, that there would be no direct effect on these heritage assets from the development proposed. Any effect would be from an effect on their setting.
 28. The setting of a listed building consists of the way in which it is experienced. Each of these heritage assets also contributes aesthetically to a street scene which is experienced as a part of Dorking town centre; they have no setting independent of that. That setting, being the Conservation Area, is a heritage asset in its own right. I have examined the impact of the proposal on that heritage asset. There is no need to repeat that analysis. Insofar as the proposal harms the significance of the Dorking Conservation Area, then it also harms the setting of these listed buildings. However, that is not the same as saying that the harm to their setting automatically harms their evidential, historic or aesthetic significance.
 29. There is a suggestion that, of itself, the height of the proposal and its location on an eminence would harm or diminish the significance of the listed buildings opposite. As I have observed earlier, South Street features several four-storey buildings. The additional storey of the development proposed cannot harm the evidential or historic value of the listed buildings opposite because those would be untouched by the proposal.
 30. Nor am I convinced that it would harm their aesthetic value other than as a part of the harm to the Conservation Area as a whole, because contrasts in height are a feature of the Conservation Area in general and South Street in particular. For example, one of the taller buildings in the High Street (Scotts the jeweller's) is a four-storey building standing on an eminence which has two-storey buildings on either side and faces three storey buildings across the High Street, which at this point is narrower than the wider section of South Street in front of the site. It does not diminish the significance of its neighbours thereby.
 31. Moreover, the greater width of South Street is itself a justification, in urban design terms, for a taller building to front the street at this point. It also means that the two sides of South Street are less likely to be viewed together, particularly as a line of trees separates the main carriageway in front of the listed buildings from the higher-level service road in front of the site. The curvature of the street, in which the listed buildings are sited on the outside of the curve and the site on the inside of the curve, exacerbates the tendency for the two sides of the street not to be viewed together.
 32. I therefore conclude that there would be no harm to the setting of the listed buildings in the South Street group other than as part of the overall harm to

- the Conservation Area as a whole and that that harm, although altering the setting of the listed buildings, would cause no harm to their individual significance. Nevertheless, there would be conflict with that part of site allocation policy DS29 of the emerging Future Mole Valley Local Plan which requires the developer of this site to ensure that the settings of the listed buildings and structures to the west of the site are conserved.
33. Turning now to Rose Hill, the listed buildings concerned are numbers 3/4, 5/6, 7/8, 22 and 23/24 Rose Hill. The significance of the Rose Hill development as a whole is that it is an early speculative suburban estate capitalising on the coming of the railways to Dorking which permitted London businessmen a rural residence. It was built out over a number of years to a variety of designs but all in the picturesque style surrounding a central space which was reserved by covenant to pastoral agricultural uses which persist to this day. Despite its physical proximity to the town centre, the illusion of a rural retreat is preserved by the agricultural use of that central space and also by the fact that there are views over the roofs of Dorking to its surrounding rural hillsides.
 34. Paragraph 11.3.2.4 of the Dorking Conservation Area Appraisal and Management Plan observes that the roofscape of the rear of the High St and Butter Hill are important in these views. Whilst that is true, the key point is that the roofscapes, whilst present in the views, do not obstruct them; the surrounding countryside has immediate presence.
 35. From the upper part of Rose Hill, the principal view is straight down the length of the open space. Between the trees which form a line across the centre of the field can be seen Nos 22, 23/4 and the rear of Butter Hill and Rose Hill Houses on South Street. Over their roofs can be seen the hillside and ridgeline of the North Downs on the far side of Dorking. The upper part of the proposal would appear in the left of this view, behind No 22. It would occupy a similar extent of the breadth of the panorama as No 22 does at present. It would obscure from view a greater part of the hillside beyond the town but it would not break the ridgeline, which would still be visible. The sense of enclosure by hills would remain. If the roofscape of the proposal were not so alien to the character of Dorking, as previously discussed, there would be little or no harm to the setting of Rose Hill as a whole; even as proposed, there would be minimal harm.
 36. In addition to the importance of outward rural views to the significance of the listed buildings in Rose Hill as a generality, numbers 22 and 23/24 have a particular relationship with the site through a common rear boundary. But the relationship is not topographically straightforward.
 37. From the carriageway of Rose Hill, the sites of numbers 22 and 23/4 rise steeply. The houses are cut into the hillside so that only their upper floor rear windows look across their rear gardens towards the site and the distant landscape beyond. The rear gardens of Nos 23/24 rise to a wall, varying in height from 2.6-3m high, beyond which the appeal site is cut away. The top of the rear wing of the existing building on site is below the top of the garden wall. The top of the rear wing of the proposed building would be about a storey higher than the top of the garden wall. The front part of the proposed building would be a storey higher but, because of the slope of the land and the height of the garden wall, I doubt that much, if any, of it would be seen from within the rear gardens of Nos 23/24. From the first and second floor windows

- of N^os 23/24, the proposal would obstruct a view of the Surrey Hills to the west of Dorking. Only to that very limited extent would there be any effect on the setting of N^os 23/24.
38. To its rear, the garden of number 22 rises to a garden wall in similar fashion to the gardens of numbers 23 and 24. But, beyond the wall, it has a second rear garden, on an upper level. This garden is laid out symmetrically with a two-story garden building as the centrepiece of its north side. This garden building has a gazebo on its upper floor, glazed on three sides to offer panoramic views.
39. The view from this gazebo to the west is currently blocked by trees. That to the south remains open but is unremarkable. That to the north looks across the flat roofs of the existing building on the appeal site towards the North Downs. The view is already partly obstructed by Victoria Terrace. It would be completely blocked by the appeal proposal. To that extent, there would be some effect on the setting of number 22 Rose Hill.
40. To my mind, this is a very minor, almost insignificant, effect on the heritage interest of the two listed buildings, numbers 22 and 23/4 Rose Hill. They were built, and would remain, as picturesque villas in a preserved agricultural idyll. That idyll has a visual relationship with the countryside around Dorking which would remain largely intact. The direct relationship with the surrounding countryside of the two listed buildings themselves (N^os 22 and 23/24) is very tenuous, almost incidental, only related to the upper floors of their rear elevations and to the upper floor of an incidental garden building. Although that would be harmed, it does not go to the heart of their significance as heritage assets.
41. I therefore conclude that there would be minimal harm to the setting of the listed buildings in Rose Hill in general and only minor, almost insignificant, effects on the significance of numbers 22 and 23/4 in particular. Nevertheless, in accordance with NPPF paragraph 199, great weight should be given to an asset's conservation irrespective of the degree of harm involved. To that extent, the proposal would conflict with policy CS14 of the Mole Valley Local Development Framework Core Strategy adopted in October 2009, which protects sites of historic or architectural importance. It would also conflict with that part of clause (3) of site allocation policy DS29 of the emerging Future Mole Valley Local Plan which requires development of the site to ensure that the settings of the listed buildings to the east of the site (ie, in Rose Hill) are conserved.

Archaeology

42. The Dorking Caves, a local tourist attraction, lie just to the north of the appeal site. Excavated from sandstone, they are reported to be fragile. The construction of public toilets in South Street caused damage to the complex. When the nearby Waitrose development was under construction, the caves were closed as a precaution. Although that development appears to have caused no damage, there are concerns that construction of the appeal proposal, which is closer to the caves than the Waitrose development would cause damage. All parties are agreed that the issue could be satisfactorily dealt with by a condition and I so conclude.

The commercial attractiveness of the town centre

43. The Council was concerned that the development would cause a break in the continuity of the shopping frontage, to the detriment of the town centre. But the site lies on the fringes of the town centre, beyond the Waitrose store which acts as a southern anchor to the retail offer of the town centre; there is already a break caused by the set-back position of the site; there is already a further break to the immediate south of the site where number 39 lacks a retail frontage to South Street and there is discontinuity in commercial frontages further south in South Street at numbers 49-55 which lack a retail frontage. I therefore consider this concern to be poorly founded.
44. The appellant's evidence demonstrates that a quantitative loss in floor space would be replaced by a qualitative improvement and that there would be no loss in real terms as the quantity of floorspace currently in use is less than the quantity proposed to be provided.
45. I conclude that the proposed development would cause no harm to the commercial and retail functioning of Dorking town centre. It would not contradict policy CS6 of the Mole Valley Local Development Framework Core Strategy adopted in October 2009, which seeks to consolidate and enhance the role of Dorking town centre. Nor would it breach policy DT3 of the Dorking Town Area Action Plan 2012 which permits changes of use in secondary shopping frontages.

The living conditions of neighbouring properties.

46. The effects of the proposal on the sunlight and daylight received by properties in Victoria Terrace, adjacent to the site and in Rose Hill behind the site were tested by Mr Westlake and found to comply with BRE guidelines except for two windows in Victoria Terrace. The two windows concerned either light non-habitable spaces or are secondary windows to habitable spaces and so are not expected to comply with the BRE guidelines. Likewise, the effects of the proposal on sunlight received within the gardens of properties in Victoria Terrace would fall within BRE guidelines, as would the effects on the public domain in South Street if the BRE guidelines were to encompass the public domain. Mr Westlake's evidence was not successfully challenged.
47. In terms of privacy and outlook, although the rear wing of the building would protrude above the garden wall of numbers 23 and 24 Rose Hill, there would be no windows in its eastern elevation from which overlooking could occur. Balconies in its northern and southern elevations would be restricted to first and second floors so there could be no sideways overlooking from them to properties in Rose Hill. In relation to 39/39A South Street, although the separating distance from the southern end of the main wing is only 16m, there are no windows in that elevation of the development and so, no loss of privacy would result.
48. The footprint of the proposal largely replicates that of the existing building in which a continuous run of windows in the first floor of the north-facing side of the rear projecting wing faces the gardens and rear windows of properties in Victoria Terrace. However, the proposal would have two additional floors of accommodation for the full length of the rear wing and a (set back) fifth floor for part of its length. The angle of view down from the upper floor windows would mean that 2m garden fences would be less effective in maintaining

privacy to the small rear gardens of the Victoria Terrace properties than in the existing situation.

49. Although the engagement between the north elevation of the proposal's rear wing and the gardens and rear windows of properties in Victoria Terrace would be at an obtuse angle rather than direct face to face, the distance separating the two would be at the limits of acceptability, even for an intensely-developed urban area, where face to face distances of 20m for two-storey buildings and more for taller buildings are often insisted upon. There are architectural devices which are often used in such situations to ensure privacy, such as bay or oriel windows angled and partly screened to direct views in a particular direction but none would be used here.
50. What makes the proposal unacceptable however, is that there would be projecting balconies at first and second floor levels and one at third floor level which would bring their users even closer to the gardens and windows of properties in Victoria Terrace. Two balconies on the first and second floor rear (east) elevation of the development's main wing would be just approximately 8m from the boundary with the rear garden of number 6 Victoria Terrace, two on the first and second floors of the north elevation of the rear projection would be about 14m from the boundary. Screening, which might be required by condition, could ameliorate the situation but none is proposed, although a condition could prevent the use of flat roofs as amenity terraces for the fourth-floor (fifth storey) flats.
51. The outlook from three balconies on the first, second and third floors at the junction between the main and rear wings could not be screened and would be about 18m from the boundary with Victoria Terrace. These balconies by themselves might be on the margins of acceptability but, in combination with the others and with the absence of privacy devices on windows in this elevation generally, would produce an oppressive feeling of being overlooked. I therefore conclude that the proposal would conflict with policy ENV22 of the Mole Valley Local Plan 2000 which requires that development does not significantly harm the amenities of the occupants of neighbouring properties by reason of overlooking amongst other matters.

Car parking

52. Local residents are incredulous that the two main parties are agreed that the provision of 22 car parking spaces would be adequate for 63 residential units and 465 sqm of flexible commercial floorspace. But, census data shows that within Dorking town centre, 23% of households have no cars or vans, compared with only 11.5% in Mole Valley as a whole. This rises to 31% of 1 or 2 bedroom dwellings (the type proposed for the development) having no cars, so, even if the occupants of the development reflected the average for Dorking, it could be expected that the residents of 20 of the units would own no car.
53. Evidence was submitted that the provision of a car club vehicle would substitute for 20 cars owned. Adding this figure to the number of flats likely to own no car even without a car club would mean that 40 of the 63 units could be expected not to need a parking space of their own. This car club would be secured by the s106 agreement which is therefore necessary, directly related to the development and fairly, reasonably related to its scale and so compliant with the CIL Regulations.

54. In this light, the provision of 22 car parking spaces seems appropriate. In any event, as the appellants pointed out, potential occupants would know whether or not their flat would have an allocated car parking space; car owners are unlikely to want to buy or rent property in the development if they did not have an allocated space. Comparison with the current situation is misleading because the existing car park supports an office use, not proposed in the appeal development.
55. I therefore conclude that the proposal would provide an appropriate supply of car parking. It would comply with Local Plan policy MOV5 which applies the County Council's current parking standards as a maximum, having regard to the developer's own requirements, amongst other matters. The County's current standards require car free or one space per unit as a maximum.

Housing Land Supply

56. The scheme proposes a dwelling mix of 27 x 2-bed flats, 24 x 1-bed flats and 12 x studio flats, a net increase of 55 dwellings (the building to be demolished includes 7 x 2-bed and 1 x 3-bed flats). One of the reasons for which the Council refused permission was that the majority of the units proposed would be 1-bed and studio units. This was felt to be contrary to policy CS3 of the Council's Core Strategy which particularly seeks the provision of two- and three-bedroom dwellings suitable for occupation for all sectors of the community including newly forming households, young couples and expanding families.
57. However, policy CS3 also requires that housing proposals take into account and reflect local housing needs in terms of the tenure, size and type of dwellings. The Council accepts, and I have no reason to disagree, that it would not be viable to provide affordable housing.
58. The Council's Strategic Housing Market Assessment Update of December 2020 advises that the recommended breakdown of new private sector market dwellings by size should be 70% one- and two-bedroomed units. Table 18 of the Council's Authority Monitoring Report 2021/2 shows that it achieved that target in 2021/22 but that over the ten previous years it had only averaged a figure of 56% dwellings with two or fewer bedrooms, so it has some catching up to do.
59. Moreover, the SHMA's advice represents an average for the authority as a whole, not a prescription for each and every site. A less central location than the appeal site might favour family housing; the appeal site's town centre location favours smaller units. I therefore conclude that the proposal would have a beneficial effect on the provision of housing of different types, in conformity with Core Strategy policy CS3(1).
60. In terms of housing land supply overall, both main parties agree that the Council's annual housing requirement (housing need plus 20% buffer) is 550 dwellings per annum. The net housing gain which would result from this development would be 55 dwellings. It therefore represents 10% of one year's annual requirement for housing in Mole Valley. Stated baldly, that is the effect which the proposal would have in relation to the requirement for housing in Mole Valley.

61. Notoriously, the supply of housing in Mole Valley is much less than its annual requirement, so the effect on housing supply would be much greater than 10% of one year's supply. The 2021 Housing Delivery Test shows that over the three years covered by the Test, only 70% of the housing required was supplied. The supply over three years was just 810 dwellings, an average of 270 per year. A net gain of 55 dwellings represents 20% of that figure.
62. The Council's projected Five-Year Housing Land Supply claims to have identified a total supply of 1,575 dwellings over the five-year period in question, an average of 315 per year. A net gain of 55 dwellings represents 17.5% of that figure.
63. The appellant disputes that figure on the basis of the deliverability of six sites in the council's identified pipeline. A deliverable supply of 1,200 dwellings over the five-year period is accepted, an average of 240 per year. A net gain of 55 dwellings represents 22.9% of that figure.
64. The six sites in dispute are:
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|--|---------------|
| • Adjacent to Deepdene Station | 23 dwellings |
| • Dorking Institute of Further Education | 9 dwellings |
| • Rear of 272-94 High Street, Dorking | 8 dwellings |
| • 6 Bridge Stret Leatherhead | 6 dwellings |
| • Bull Hill, Leatherhead | 300 dwellings |
| • Land at Murreys Court Ashtead | 29 dwellings |
65. Of these, only Bull Hill has much significance to the overall outcome of the Council's Five-Year housing Land Supply. Notwithstanding the need for further Cabinet (and, no doubt, other) approvals, the Council is the landowner, has satisfied itself as to viability and has selected a partner (albeit a contract has yet to be signed) and so I take the view that there is a realistic prospect of a proportion of this site (envisaged as 450 dwellings in total at regulation 18 consultation stage of the emerging local plan) being started within the remaining years of the five-year period.
66. Of the remaining sites, it appears that the land at Murreys Court is not currently available for development. Although the personal circumstances of the landowner may change that position at short notice, it does not appear to meet the definition of deliverable contained in the NPPF and so, should not have been included in the Council's Housing Land Supply figure. The information regarding the other sites suggests that they have been correctly included within the Five-Year Housing Land Supply Figure.
67. Whatever the correct figure for the Council's Five-Year housing Land Supply, it is clear that the position is poor and that the proposal would represent around one-fifth of the annual housing land supply in Mole Valley. It would therefore be of substantial benefit.

Amenity open space and children's play space.

68. From my finding that the dwelling mix proposed is acceptable, it follows that the need to provide children's play space to serve the development is reduced,

since only 27 of the 63 flats proposed would be of a size likely to house families. The proposal would provide external amenity space, replacing some of the hard surfacing which presently covers the site. Dorking's 2021 Open Space Assessment asserts that Dorking is well provided with parks and recreation grounds. In any event, the Council operates a CIL charging scheme from which any necessary provision of children's play space could be funded. According to the Statement of Common Ground, both parties agree that the need for a contribution to provide compensatory children's playspace is considered to be not now needed. I concur and conclude that the proposal would adequately comply with Local Plan policy CS16 which, amongst other matters, requires all development, except for the most minor, to contribute towards the continued greening of the District's towns.

Local infrastructure and services

69. The proposal would provide storage space for both commercial and residential refuse within the building, accessed via the parking and servicing area to the rear of the building. Because this would not be accessible to the Council's refuse vehicles, a Council service of domestic refuse collection would not be provided. Consequently, it would be necessary to make arrangements for a private service of refuse collection, which is provided for by the section 106 agreement. This can therefore be seen to comply with the CIL Regulation requirements of necessity, relevance and proportionality. With the s106 agreement in place, I conclude that the proposal would comply with Local Plan policy MOV2 which requires major development to make appropriate provision for servicing arrangements amongst other matters.

Overall conclusions

70. Paragraph 11 of the NPPF sets out government policy of a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. In important respects, this proposal does not accord with the development plan. But, the development plan for Mole Valley is not up-to-date, as evidenced by the advanced stage reached (but now paused) in the preparation of a replacement plan. In any event, footnote 8 of the NPPF provides that the policies which are most important for determining the application are to be regarded as out of date because the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
71. Where the policies which are most important for determining the plan are, or are to be regarded as, out of date, NPPF paragraph 11 provides that this means granting permission unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development proposed, or, if any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole.
72. The policies within the Framework that protect assets of particular importance include those protecting designated heritage assets. In this case, I have concluded that there would be (less than substantial) harm to the Dorking Conservation Area and also to numbers 22 and 23/24 Rose Hill, which are designated heritage assets. In accordance with paragraphs 202 and 199 of the NPPF, this requires me to weigh the harm to the significance of the designated historic assets, against the public benefits of the proposal, whilst giving great

weight to the assets' conservation. There would also be harm to the living conditions of residents of Victoria Terrace, which must be factored into the balance.

73. Both parties agree that the proposed development would deliver economic benefits both during and after construction. During construction, the proposed development would see inward investment in the local economy through the creation of direct and indirect jobs because of construction and the use of local services by construction workers. The proposed development would bring additional residents to the area and with them increased demand for local goods and services which would result in the increased use of local shops and services, bringing a boost to the local economy.
74. Over and above those economic benefits, the proposal would provide the substantial benefit of delivering about 20% of one year's housing land supply in an authority with a poor record of housing delivery and the benefit of delivering a type of housing identified as needed by the Council's Strategic Housing Market Assessment Update of December 2020.
75. If refused, the loss of those benefits would be likely to be only temporary because the site is allocated for development within the Council's emerging (though paused) local plan and I am confident that a way can be found to overcome the harms which would result from this appeal scheme so as to arrive at a proposal which could be granted permission. But, once built, the proposal would endure. Sixty years is often the expected life of a development and that figure is demonstrated by the development currently on site. The harms which I have identified would endure for the lifetime of the development. They would clearly outweigh the benefits to be gained by allowing this appeal now and so, I dismiss the appeal.

P. W. Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Parker	Counsel, instructed by Melissa Clarke (Deputy Development Manager and Solicitor for Mole Valley District Council)
He called	
Chris Reynolds BA, MA, MSc, IHBC	Senior Historic Buildings Officer, Surrey County Council
Mike Kiely BTP, MBA, MRTPI	Planning Consultant
Marie Killip and Duncan Clarke took part in the round table discussion on Housing Land Supply	
Donna Bulbeck attended the site visit	

FOR THE APPELLANT:

Stephanie Hall	Counsel, instructed by Sophie Heritage, Senior Partner, Icen Projects
She called	
Oli Westlake BA GDL	Partner and Founder, Development and Light LLP
Clive Burbridge BSc (Hons), MSc, FCIHT, CMILT, MRTPI, FIHE)	Equity Director, Icen Projects
Claire Cogar BA (Hons), MA, MCIfA	Director, Icen Projects
Tim Tolcher BSc (Hons), Dip Arch RIBA, ARB	Owner and Director, Carey Jones Chapman Tolcher, Architects
Laurie Handcock MA(Cantab), MSc MCIfA, MIHBC	Director, Icen Projects
Stuart Mills BA (Hons), MSc, MRTPI	Associate Director, Icen Projects
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INTERESTED PERSONS:

Simon Taylor BSC (Hons), Local resident
ACMA