



Appeal Decision

Site visit made on 29 March 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/C3620/W/22/3306585

134, The Old Dutch House, High Street, Dorking, RH4 1BG

- 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 Reside Developments Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2021/0280/PLA, dated 17 February 2021, was refused by notice dated 9 March 2022.
 - The development proposed is demolition of the existing precast concrete double garage and erection of a one-bedroom (two storey) dwelling on the land to the rear of The Dutch House (currently used as a carpark).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is in the Dorking Conservation Area and therefore I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
3. The Dutch House, comprises 132, 134, 136 and 138 High Street and includes the White Horse Hotel (The Dutch House/White Horse). It is a Grade II Listed Building comprising an early 19th Century frontage to a 17th Century gabled building. It is now stuccoed with a capped parapet and the gables have gone. Its historical alterations have also seen its division into separate units which now comprise shop frontages to High Street and part of the White Horse Hotel Public House (PH). Its sub-division included separating the original single property into three separate ones each with narrow linear gardens to the rear. The former gardens are no more and now include buildings and structures in a variety of forms. The land to the rear of No 134 comprises the appeal site. Therefore, I have had regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest as required under Section 66(1) of the Act.

Main Issue

4. The main issue is whether the proposed dwelling would preserve or enhance the character or appearance of the Dorking Conservation Area and preserve the setting of the Grade II Listed Building, The Dutch House/White Horse; and in the event that any harm is identified, whether that harm would be outweighed by any public benefits of the proposal.

Reasons

5. High Street runs through the Conservation Area and is the main street through Dorking Town Centre and forms an east-west spine through this historic rural market town. However, the Conservation Area includes more than just the High Street but extends much further to the north and south and so includes areas to the rear of frontage properties such as the land comprising the appeal site. As such, whilst the significance of the Conservation Area is mainly attributed to its street frontages and those areas most noticeable from the public domain that reflect the town's heritage, the areas to the rear of frontage properties, such as the appeal site are also part of that significance due to their historical development and their function within this market town.
6. The town includes a number of historic buildings, many of which are listed and its historic buildings, scale and location are important characteristics that contribute to the significance of the Conservation Area.
7. The historic maps indicate that the Dutch House was sub-divided and some of the land to the rear parcelled into gardens, the gardens have gone and in the case of the appeal site, a non-descript double garage has been erected with the remaining area hardsurfaced for car parking. The area also comprises a mix of buildings, some of which face the appeal site, others adjoin it or overlook it but overall create a very tight knit urban environment.
8. There is also a boundary wall alongside part of the existing garage which appears of an age but its exact form and time of construction is uncertain. I shall return to this later.
9. Due to the narrowness of the appeal site, the proposed dwelling would be located close to its boundaries on two sides, with a small gap to a third side and the existing car parking area to the fourth side. The dwelling would have no ground floor external amenity space at all although a small planting bed is shown on the submitted plans. External amenity space would be provided by a first floor balcony which would project over one of the existing parking bays.
10. The proposed dwelling would maximise the available space on the site whilst retaining most of the existing parking spaces and the access from High Street. The area around the site is already closely developed and its tight knit form is part of its character in this historic market town. However, notwithstanding the presence of the existing flat roofed garage, the site provides a sense of space between the buildings that would be lost by the proposed development. The proposed dwelling would appear dominant on this very restricted site and thereby appear as a very cramped and intensive built form.
11. Turning to the Listed Dutch House/White Horse, its particular significance relates to its age and location in the High Street and its subsequent prominence in the development of this market town. The proposal would not physically affect the Listed Building as it would be detached from it but it would impact on its setting in terms of the land traditionally associated with it. However, I do not consider it to be of a scale or sufficient proximity to affect the historical significance of the Listed Building.
12. Concerns have been raised about the boundary wall referred to above and the Council consider that it is listed as part of the curtilage to the Listed Building. I note that the wall appears in fairly poor condition but I do not have enough

evidence as to its structural integrity or even to judge whether it is capable of being retained or not. The Council point out that an application for listed building consent has not been made for the removal of part of the wall. However, the appellant states that it would be retained. In any event, if necessary, this would be subject to a separate determination for listed building consent. Likewise, concerns have been raised about the effects on the wall during construction of the dwelling however, a condition could secure details of this should the proposed development proceed.

13. The proposal includes the demolition of the existing garages and I see no harm arising from their demolition and no objections have been received about this other than concerns raised about potential asbestos which would need to be addressed during any demolition works. Nevertheless, whilst the garage building is unattractive, it is small scale and functionally is an ancillary building. A new dwelling would lack that same character and conflict with the functional and ancillary role that the appeal site has historically formed a part of in terms of the character and appearance of the Conservation Area. Furthermore, the proposed dwelling would be part single storey and part two-storey and so higher than the garages and therefore as well as being very different in character to the use of the site now, it would be visually more prominent in this confined space.
14. I therefore find that the setting of the Grade II Listed Building, The Dutch House/White Horse would be preserved but the proposed dwelling would not preserve the character or appearance of the Dorking Conservation Area.
15. Paragraph 199 of the National Planning Policy Framework¹ advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the Conservation Area to be less than substantial. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
16. The appellant sets out the public benefits in this case. One such benefit would be a social one in terms of providing a house in a district where there is a shortfall. There is no dispute between the parties that the Council does not have a five year supply of housing land as required by the Framework and can only demonstrate a provision of 2.9 years. This therefore adds further significance to this benefit, albeit that it would be a small one due to only adding one additional dwelling to the supply.
17. The proposal would have an economic benefit through the creation of construction jobs, local investment and the longer term expenditure in the local economy by future occupiers. Again, this benefit would be small due to the scale of the proposal.
18. As referred to above, the exiting garages are unattractive and their removal would be a benefit to this area. However, whilst their replacement with a better designed building could help enhance the appearance of the area, its replacement with the proposed dwelling would itself cause harm for the reasons set out above and therefore, the weight that I can attribute to this is limited.

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021.

19. For the above reasons, with the benefits being either small or limited, such public benefits would be insufficient to outweigh the harm that I have found would be caused to the Conservation Area.
20. Consequently, whilst no conflict with Local Plan Policy ENV43 would occur in relation to the Listed Building, the proposal would conflict with Local Plan² Policy ENV39 which reflects the statutory responsibility, as set out in the Framework, to require development to preserve or enhance the character or appearance of a Conservation Area. It would also conflict with Core Strategy³ Policy CS 14 which indicates, amongst other things, that areas and sites of historical or architectural importance will be protected and where appropriate enhanced. Linked to this is the harm to the character and appearance of the area which policies ENV22, ENV23 and ENV24 seek to protect.
21. In assessing this appeal, I have also taken into account the Council's SPDs⁴ and the quoted advice from Historic England⁵ and that set out in the Planning Policy Guidance⁶ with regard to the historic environment as well as that of the National Planning Policy Framework as a whole.
22. Furthermore, for the reasons set out above, there is a clear reason for refusing the development proposed having had regard to paragraph 11(d) of the Framework.

Conclusion

23. For the reasons set out above, and having had regard to the development plan as a whole and all other considerations, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

² Mole Valley District Council Mole Valley Local Plan, Adopted 12 October 2000.

³ The Mole Valley Local Development Framework Core Strategy, Adopted October 2009.

⁴ Mole Valley Local Development Framework Dorking Town Area Action Plan 2012; Mole Valley District Council Dorking Conservation Area Appraisal & Management Plan, April 2009; Mole Valley District Council Dorking Conservation Area Appraisal and Management Plan: Executive Summary, April 2009.

⁵ Reference is made to various documents but copies of these have not been submitted with the appeal.

⁶ Planning Policy Guidance, Published 10 April 2014 – Last Updated 23 July 2019.