



Appeal Decision

Site visit made on 18 July 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/C3620/W/22/3314660

Grapevine Cottage, 113 Little Bookham Street, Bookham, Surrey KT23 3AF

- 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 Stocks of Grape Vine Cottage Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1852/PLA, dated 31 October 2022 was refused by notice dated 20 December 2022.
 - The development proposed is described as erection of a single new dwelling following the demolition of existing outbuildings, with associated landscaping and parking; revised application further to MO/2022/1171.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal submission includes three dimensional visuals which were not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested parties' views were sought.
3. In this case, the visuals provide additional illustrative context and details rather than any amendments to the proposal. For this reason, I consider that there would be no prejudice to any party by considering the visuals. I have therefore determined the appeal on the basis of the additional visuals.

Main Issues

4. The main issues are:
 - The effect of the proposal on the setting of the nearby Grade II listed building; and
 - The effect of the proposal on the living conditions of the occupiers of 3 and 6 The Blackburn with particular reference to outlook.

Reasons

Setting of listed building

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the local planning authority or, as the case may be, the Secretary of State, to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

6. The appeal site includes Grapevine Cottage, a two storey, Grade II Listed Building (the LB) which was listed in 1984. It is a former farmhouse dating from the sixteenth century, and is a timber-framed building with brickwork infills painted white. Two single storey timber outbuildings are positioned to the side of the LB within the appeal site.
7. The appellant's heritage statement confirms that the building has evidential, historic and aesthetic value. The building's significance is derived from being a good example of a transitional house, with the original form and layout of the building remaining legible. Furthermore, the possible origin of the building as a wasteland cottage contributes to both the evidential and historic value of the site. The building's vernacular form, character and detailing further contribute to its significance.
8. The building's construction is intrinsically linked to its surrounding landscape, where its materials would have been obtained. The heritage statement goes on to state that the semi-rural character and openness of the building's plot also contributes to its aesthetic value. These features are considered to contribute significantly to the aesthetic value of the site and its wider setting.
9. The LB is located to the rear of the site. The existing outbuildings, which, given their age and date of construction, are not curtilage listed, the concrete hardstanding immediately to the front of the outbuildings and the overgrown vegetation obscure the openness of the site, harmful to the setting of the LB. However, the outbuildings have small footprints and are set back a generous distance from the highway. As a result, the front part of the site, whilst overgrown, has a spacious and open character. Opposite the site is an open public grassed area with houses to its rear.
10. Whilst the site is predominantly surrounded by twentieth century houses, the combination of the open public space and the open area to the front of the appeal site, allows an appreciation of the previous rural setting of this former farmhouse. The appreciation of the open space therefore makes a positive contribution to the significance of the heritage asset.
11. The proposal is designed to have the appearance of a simple rural building, clad in dark stained weatherboarding above a brick plinth with a clay tiled roof. When viewed in isolation, the proposal's design, scale and materials are not visually harmful. However, the layout of the proposal which would project significantly forward of the LB, and along the site's northern boundary would be both awkward and prominent.
12. Whilst I appreciate that the surroundings to the appeal site have been altered over time, with the development of the area, the siting of the proposal would significantly erode the remaining open space around the LB. It would have a greater height and would project significantly further forward in the plot than the two existing outbuildings. It is therefore my view that the proposal would have a greater impact on the setting of the LB than the existing outbuildings.
13. The majority of the frontage of the LB is visible in views from the public highway near the entrance to The Blackburn. At present the two outbuildings are appreciable within the view. However, as a result of the significant forward projection and increased height of the proposal, a significant proportion of the LB would be obscured from this public viewpoint. This would cause additional harm to the setting of the LB.

14. The site is currently divided by hedging, approximately one metre in height, between the LB and the location of the proposed building. Hedging is shown in a similar location on the submitted drawings. Over time, it seems to me, likely that this would grow in height providing privacy for the future occupiers. Whilst the existing hedging has a degree of impermanence, the proposal would result in a permanent subdivision of the site from the LB. I accept that a planning condition could be imposed to remove permitted development rights related to outbuildings. However, domestic paraphernalia such as the bin and bicycle storage shown in the submitted drawings, in combination with the hedging dividing the properties, would cumulatively erode the sense of openness and add to the harm to the setting of the LB.
15. Although it would not directly harm the fabric of the LB, given my findings above, the proposal would cause harm to the setting of the heritage asset in that it would harm the openness of the site and would obscure public views of it. This would negatively affect how the building is experienced. I also find that the level of harm would be greater than that currently resulting from the existing outbuildings, concrete hardstanding and overgrown vegetation.
16. The main parties agree that the modern outbuildings are harmful to the setting of the LB and that their removal would enhance the setting of the LB. However, the removal of the outbuildings is not dependent on their replacement with a new dwelling.
17. The appellant indicates that there are other examples of listed buildings within Bookham which have adjacent development that forms part of their context. However, I have not been provided with further details in relation to these. In any event, each case must be considered on its own merits.
18. Given the proposal's prominent position, impact on openness and reduction of public views of the LB I find that the proposal would fail to preserve the special interest of the listed building.
19. Paragraph 199 of the National Planning Policy Framework (2023) (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
20. In failing to preserve the setting of the LB, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits.
21. I have taken into account that the development would result in an additional dwelling, in an accessible location, that would contribute to housing supply in the area. Any benefit arising from it being a site that could be delivered quickly will largely be realised with the smaller scheme.
22. The site would give rise to modest economic benefits during the construction phase. There would be moderate social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution

that small and medium sized sites can make to meeting the housing requirement in the area and particularly where the Council is unable to demonstrate a five year supply.

23. The removal of the existing outbuildings would have a positive effect on the site's openness. However, as their removal is not dependent on their replacement with a new dwelling, I afford this limited weight.
24. Overall, based on the nature and scale of the development, the public benefits relating to it would be modest. They do not therefore outweigh the harm I have identified to the setting of the LB and the great weight given to the conservation of designated heritage assets.
25. The proposal may be compliant with various other provisions of the development plan, for instance providing an acceptable standard of residential accommodation. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
26. I therefore conclude that, because of its siting and impact on the surrounding open space and public views, the proposal would be harmful to the setting of the LB. Therefore, in this respect it would be contrary to Policy ENV43 of the Mole Valley Local Plan (2000) (LP), Policy CS14 of the Mole Valley Core Strategy (2009) and Policies BKEN2 and BKH2 of the Bookham Neighbourhood Development Plan 2016-2026 (2016). Collectively, these policies prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance whilst requiring that infill developments respect their context.

Living conditions for neighbouring occupiers

27. The proposal would introduce a new building with a minimal set back from the shared boundary with 3 and 6 The Blackburn, which the Council confirm are two maisonette properties contained within a two-storey building. Both properties have windows, which appear to serve habitable rooms, in close proximity and facing directly towards the appeal site.
28. At present, there is tall planting on the boundary. The outbuildings are largely screened by the boundary planting and therefore have limited impact on the neighbouring occupiers' outlook. The submitted drawings indicate that the boundary planting would be replaced by a 1.8 metre tall close boarded fence.
29. The proposal would be taller, significantly wider and located closer to the shared boundary with the neighbouring property. Despite the hipped roof design, the proposal's side elevation and roof would extend significantly above the fence on the boundary. As the proposal would be positioned close to the shared boundary, its combined depth, height and proximity to the neighbouring ground floor windows means that the proposed development would be a dominant and oppressive feature for neighbouring occupiers. It would therefore have a harmful impact on the living conditions of the occupiers of the neighbouring property with particular reference to outlook.
30. The neighbouring property's first floor windows would look towards the proposal's hipped roof. There is not a significant difference in floor levels between the two sites. As the proposal would be single storey only, the pitch of its roof away from the boundary would be sufficient to prevent it from having a

looming impact when viewed from the neighbouring property's first floor windows. Therefore, the proposal would not harm outlook from those windows.

31. For the above reasons, I conclude that the proposal would be a dominant feature when viewed from the neighbouring property's ground floor windows and would therefore harm the living conditions of the occupiers with particular reference to outlook. I therefore find that it would conflict with Policy ENV22 of the LP. Amongst other aspects, this seeks to protect the living conditions of occupiers of neighbouring adjoining properties.

Other Matters

32. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this Decision.

Planning Balance

33. The Council accepts that it cannot demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 sets out that these policies include those relating to designated heritage assets. Given my findings, in relation to the LB, there is a clear reason for refusing the development proposed and I am not required to apply the tilted balance in this respect.
34. Set against the harm identified there would be limited benefits associated with the proposal, such as making an efficient use of the site. One additional, two bed residential unit, for which there is unmet demand, weighs in the proposal's favour to which I have afforded moderate weight.
35. Alongside my findings in respect of the designated heritage asset, there would also be harm to living conditions of neighbouring occupiers. These considerations would be contrary to the development plan.
36. The identified adverse impacts of the development, in respect of the non-designated heritage asset and neighbouring occupiers' living conditions are matters of a high order. Overall, I consider that the adverse impacts I have identified in this regard, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

37. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR