



Appeal Decision

Site visit made on 10 January 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

Appeal Ref: APP/C3620/D/23/3331540

Hazel Barn, Partridge Lane, Newdigate, Dorking, Surrey, RH5 5BU

- 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 Jake Swei, Juaninamillion Solutions Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2023/1198/PLAH, dated 10 August 2023, was refused by notice dated 5 October 2023.
 - The development proposed is the erection of a rear balcony, front carport and storm porch.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The works have largely been completed; this does not alter the way I assess the proposal.

Main Issues

3. The main issue is the effect of the proposal on a) the character and appearance of the host property and the locality and b) living conditions for neighbours.

Reasons

Character and appearance

4. The appeal property is the central home in a short row of barn conversions within an immediate locality which has seen similar change. The original conversion work has been pleasingly undertaken with simple exterior form retained, thoughtful fenestration and use of a black timber cladding all coming together to create an environment and aesthetic which is suited to its rural setting. The proposal is as described above; the balcony projects about 0.9m from the rear wall, the porch would extend around 1.2m from the front elevation and the car port measures some 3.6m x 6m with an overall height of approximately 2.8m.
 5. I touch above on the simple elevations of this row of conversions and the real merit and legibility of this run of front elevations is now completely disrupted by this car port structure. Even with timber as the main component the car port looks completely ill at ease in the immediate and wider scene. It bears no relationship to the forms of the original structures or the farm yard legacy of the location. Regrettably it is alien and jarring on the eye. I would not accept the argument that this structure is akin to a cart shed. I would think it highly unlikely that a true cart shed, even it had some visual resemblance to the car
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port, would be located in this position relative to a row of working barns. I would expect a farm yard to be set out differently. However, in any event, this is clearly a car port and unfortunately it is ill conceived as presented and inappropriately and visually disruptively as positioned.

6. Policy CS14 of the Mole Valley Core Strategy, Policies ENV22, ENV32 and RUD9 of the Mole Valley Local Plan (LP) are relevant. Taken together, and amongst other matters, they call for high quality designs for development which should not be dominant and should embody suitable layout, form and scale, be sympathetic to the qualities of a building and its rural setting, and be protective of the local character generally. I conclude that the appeal scheme would run contrary to these policies.

Living conditions

7. The internal layout and generous window arrangement of the conversion means that rear gardens to either side are substantially on view from inside at first floor level; there is not complete privacy other than right alongside rear walls. The case is made that the modest sized balcony makes little difference to the current situation. I would differ from this argument. Even stepping out a little increases the ability to look downwards or, almost, rearwards. The balcony does materially open-up increased vistas to either side. Adjoining occupiers would have the increased reality and perception of further loss of privacy and there would be an uncomfortable sense of dominance and proximity of activity when the balcony was in use. The planting to one side assists mitigation but only a little, and to the other side the vista is wide open. A lack of an objection is not the determining factor to me as I have to protect the amenity value of a property for the long term.
8. The car port, even in open sided form, is by any measure a substantial structure and in my opinion is set far too close to the neighbouring property. The occupiers of this home would feel unduly hemmed-in by the built form which projects substantially, is at ungainly right angle, and is close to the main front elevation and its windows. The dominance of this structure is an unacceptable imposition upon residential amenity and is overpowering in a locality where residents would reasonably expect a sense of space to prevail.
9. Previously referenced LP Policy ENV22 and also LP Policy ENV32 seek well designed development which is not over-prominent and would not impinge upon residential amenity in this or other ways. Given the characteristics of the proposal I conclude that there would be conflict with these policies in this regard.

Other matters

10. I do note the Appellant's willingness to incorporate amendments to the balcony via screening and the car port by opening all sides. However, the former would bring its own visual and character issues to the barn conversion and the latter would only very marginally help the alien nature and amenity impacts of this structure.
11. I understand the presumption in favour of sustainable development but I would not include the appeal scheme in this category given social impacts to neighbours and environmental detriment to local character and appearance.

- 12.I sympathise that expense that has been incurred, seemingly through the Appellant not realising that planning permission was required. However, I would have not allowed an appeal for this scheme if it had not been in situ and I have to be even-handed.
- 13.I have carefully considered all the points raised by the Appellant but these matters, either individually or collectively, do not outweigh the concerns which I have in relation to the main issues identified above.
- 14.I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

- 15.For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality as well as on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR