



Appeal Decision

Site visit made on 21 February 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/C3620/W/23/3328388

Elmwood, Fern Lane, Wallis Wood, Surrey RH5 5RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Williams against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0514/PLA, dated 5 April 2023, was refused by notice dated 29 June 2023.
 - The development proposed is the erection of replacement dwelling to include demolition of existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal related to the potential effect of the proposal on protected species and the Ancient Woodland habitat. Following the receipt of additional information, the Council is now content that such concerns could be addressed through appropriate planning conditions. I have therefore approached the decision on this basis.

Main Issue

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

Reasons

4. The appeal site comprises an existing single storey, timber clad cabin and a recently constructed detached double garage. These buildings sit within a large plot which itself is located within a woodland setting. There are other neighbouring dwellings which are also set within sizable plots. These other dwellings are generally much larger and more substantial buildings than the appeal dwelling. They offer a variety of architectural styles and forms, but their siting and design does not detract from the woodland setting and the overall spacious and verdant character of the area.
5. Policies ENV3 and RUD8 of the Mole Valley Local Plan 2000 (MVLP) seek to protect the countryside beyond the Green Belt and in particular its open and undeveloped character. However, subject to complying with other policies in the Plan, replacement dwellings are permitted provided they are appropriate in scale, form, impact and siting. Policy RUD8 specifies that replacement dwellings should not be materially larger than the dwelling it replaces.

6. The Plan's approach to replacement dwellings in the countryside beyond the Green Belt clearly has similarities with the Framework's approach to replacement buildings in the Green Belt. However, the Framework does not prescribe an approach to replacement dwellings outside of the Green Belt nor does it prevent Councils' from producing their own distinctive plans and policies for such situations. The Framework does allow for the reuse and redevelopment of previously developed land and the cited Local Plan policies are not contrary to this approach.
7. I have also been referred to what was the emerging Local Plan, which may have been seeking to amend the Council's approach to replacement dwellings in the countryside beyond the Green Belt. However, this is not a document to which I can attach weight given its status.
8. Whilst the current development plan policies pre-date the Framework, they cannot necessarily be considered to be in direct conflict with it on this main issue. The Framework clarifies that development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework.
9. The replacement building would clearly be seen as a large, detached dwelling, in contrast to the somewhat unassuming cabin that currently exists on site. It would provide two floors of accommodation and although the new building is described as having a chalet bungalow appearance, the building's overall height and depth would be clear to see. The Council indicates the proposal to represent a 238% increase in floorspace, a figure the appellant does not dispute.
10. Based on the evidence before me, it is my planning judgement that the dwelling as proposed cannot reasonably be considered to be anything but materially larger than the one it would replace.
11. It is pointed out that five other dwellings in the vicinity have had similar or indeed larger cumulative percentage increases in floorspace either through extensions or replacement or both. However, the information presented also shows that those cabins were generally originally smaller than the appeal property, were mainly set within larger plots and the total approved floorspace was in the main less than what is sought in this appeal.
12. Whilst many of the neighbouring properties also have two floors of accommodation, a combination of design, height and/or positioning help to minimise their presence within the wider setting. In some instances, dwellings in the vicinity are positioned more side-on to the road, which also helps to limit their visible profile and visual impact. Where other dwellings face towards the road, they do not generally appear as tall or as deep as the proposed dwelling would appear, even with accommodation in the roof.
13. From the information before me and from my own observations of other houses in the vicinity, the proposed dwelling is likely to be taller than most, if not all, of the neighbouring properties. In absolute terms the additional height may not seem excessive. Nevertheless, when the height is expressed in a building as wide and deep as the one proposed, it can have a significant visual effect, as would be the case here.

14. Within a setting such as this one there is an understandable desire for residents to redevelop the original cabins and to have well sized dwellings suitable for modern living. It seems to me that in most cases a balance has been struck which has allowed such works to take place without causing undue harm to the prevailing woodland context.
15. However, in this case I find that the balance would tip such that the proposed dwelling would dominate its setting. Whilst it would still be framed by trees and use materials that would be in-keeping, its size and how it would appear mean that it would detract from the character and appearance of the area.
16. I therefore conclude on this main issue that the proposal would be contrary to Policies ENV3, ENV22, ENV23 and RUD8 of the MVLP and Policies CS13 and CS14 of the Mole Valley Local Development Framework Core Strategy 2009 which, amongst other things seek to ensure developments are of an appropriate size, scale and form that respect and enhance the character of the area.

Other Matters

17. The proposed dwelling would occupy a similar position to the existing building. It would not result in the loss or pruning of trees nor would it require alterations to the access. However, these factors do not mean that the current scheme is acceptable and do not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case.
18. The Council has accepted that matters relating to habitat and the Ancient Woodland could be address through conditions. Landscaping of the site could also be subject to a planning condition. However, none of these factors mean that the proposal as a whole is acceptable.
19. The main parties have referenced the recent appeal decision at Bluebell Cottage. The details and context of that case are not identical to the current appeal and whilst it provides interesting background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.

Conclusion

20. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR