



Appeal Decision

Site visit made on 16 April 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 APRIL 2024

Appeal Ref: APP/C3620/W/23/3321120

206 Lower Road, Bookham, Surrey KT23 4AT

- 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 David Norman of Cowan Architects against the decision of Mole Valley District Council.
 - The application Ref MO/2022/2039/PLA, dated 28 November 2022, was refused by notice dated 24 February 2023.
 - The development proposed is the demolition of existing bungalow and construction of four dwellings, one replacement and three new 2 storey, 3-bedroom houses including associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. St Nicholas Church is a grade I listed building, and within its graveyard there are grade II listed tombs. Hop Garden Cottage and The Hermitage are also grade II listed buildings. The church is within the Great Bookham Conservation Area, the boundary of which is to the eastern side of the graveyard. As required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid 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.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Therefore, I am satisfied that no one would be prejudiced by the changes, and I have referred to the latest version of the Framework in my decision.

Main Issue

4. The main issue in this case is the effect of the proposal upon the character and appearance of the area, having particular regard to the effect upon the setting of nearby listed buildings and upon the setting of the conservation area.

Reasons

5. 206 Lower Road (No 206) is a detached bungalow positioned near to the village centre within a mostly residential area. The bungalow is at one end of a long line of dwellings to the northern side of the road. These dwellings are set back from the public footway behind similarly sized, generous front gardens, within which there are a variety of tall trees. The position of the dwellings within their plots along with the presence of the trees creates a linear frame to the road, and this leafy approach into the village is a distinctive feature of the area.
6. To the western boundary of the appeal property is the graveyard of the church of St Nicholas. The church is positioned close to the village centre, to one side of a busy crossroads, and the graveyard forms a large, open space. Constructed of mostly knapped flint under stone and clay tiled roofs, this eleventh century church is a landmark within the village. The great age of the building, the use of local materials that includes flint, and roman tiles and stonework, along with the weather boarded spire gives the church a unique and imposing presence, with its multi-phased development over time having a robustly historic, high-quality appearance. These are all elements of the architectural and historic special interest of the church. It also makes a positive contribution to the high-quality historic character and appearance of the conservation area, being a focal point within the eclectic diversity of buildings and uses that characterise the village centre.
7. A large graveyard surrounds the church, and its expansive, open nature enhances the presence of the listed building, reflecting the social importance of the building within the community. This is particularly evident to the eastern side of the church where there are several family tombs and graves that are listed in their own right. The size of the graveyard, the presence of several elegantly distinctive and richly decorated family tombs and graves, along with the presence of several trees gives a tranquil setting to the church, as well as enhancing its physical, functional, and social importance within the village. In addition, the presence of the graveyard makes an attractive contrast to the dense grain of buildings that are found along the High Street, which also serves to emphasise the significance of the church within the area.
8. No 206 and the bungalow to the rear of it abut the graveyard, and the modest heights of these bungalows is such that they have an unobtrusive, subservient impact upon the church. These buildings and the trees and shrubs within their gardens also partially screen the houses beyond them. Despite the residential nature of these properties, the modest heights of the bungalows and their positioning within their plots away from the graveyard boundary is such that they extend, rather than erode, the open, leafy setting to the church. Given this, the imposing dominance of the church is evident from long distances away, with the bungalows and their gardens creating a visual transition that ameliorates the impact of the adjoining two storey buildings that are beyond them.
9. The existing bungalow would be demolished to allow two pairs of two storey semi-detached houses to be constructed. These family-sized homes would be set back in the plot behind a parking courtyard, which would be positioned to one side to allow the retention of most of the trees to the front and south-west corner of the garden. The retention of these trees would maintain the verdant frame to the public highway that characterises Lower Road.

10. Although set away from the graveyard boundary by a narrow pedestrian walkway, the houses would occupy much of the width of the plot, thereby negating any opportunity for landscaping along this boundary. Irrespective of the disagreement between the main parties as to whether an oak tree is protected by the Tree Preservation Order, the substantial footprint of the dwellings, along with their height, is such that many of the trees near to this boundary would have to be removed. Whilst some of the specimens to be removed are dead or dying, the loss of the trees along a substantial section of the plot would result in the buildings being dominant, to the detriment of the verdant character and appearance of the area. This absence would appear conspicuously stark in an area characterised by trees and mature shrubs, and particularly so in this case as there would be little opportunity to provide replacement planting.
11. Furthermore, the oak is a distinctive tree due to its height and also because part of its crown extends into the graveyard, and its removal would serve to compound the severe appearance of the houses. I appreciate the tree would continue to grow, as would many of the other trees that would be retained. The oak shows evidence of previous management, and such works would need to continue, and this would be the case for any retained trees, particularly those close to the dwellings. Trees in residential areas often require managing, and such works would be the case irrespective of the appeal proposal. The inconveniences of managing the oak are not justification for felling a specimen that makes an important contribution to the verdant setting of the church and conservation area.
12. Even with crown roofs, the substantial height and bulk of the houses would be conspicuous within the surrounding area, particularly when approaching from the west. Their size and their close proximity to the graveyard would form an abrupt termination to the open setting to the church and conservation area. This harsh juxtaposition would be conspicuously overbearing in an area where the verdant setting to the dwellings is such a distinctive element of the local identity. The absence of any shrubs and trees for a long section of the plot would not only erode the leafy settings of the designated heritage assets, but would also harmfully draw the eye due to the blunt dominance of such deep, tall buildings so close to the property boundary.
13. As pointed out within the appellant's Heritage Statement (2023), the graveyard has been extended in the last century. There is a distinct change of style and materials of the headstones in this section of the graveyard, although it still retains its legible function that complements the church and maintains its open setting. The village has changed over time, and new dwellings have been erected upon the adjoining land. Nevertheless, most of these buildings are two storey or less. Those next to No 206 are large houses and they occupy much of the breadth of their plots, but they are not adjacent to the graveyard. This separation, along with the existing trees and shrubs within the appeal property all ameliorate the impact of these houses upon the setting of the church.
14. Crown roofs are evident in nearby houses, but in this case they exaggerate the substantial bulk of the buildings. Furthermore, the neighbouring houses maintain the building line that exists to the northern side of the road. The proposed houses would be set back beyond this line, as well as having a staggered relationship to each other. Their positioning would not only erode the distinct linear framing of the road, but would also extend the spread of

large, tall buildings for a substantial length of the plot. When combined with the proximity of the flank wall of one of the houses to the graveyard boundary, the dwellings would be conspicuously dominant within the area, having a bulky, cramped appearance within their plot whereby the buildings rather than the gardens would dominate. Moreover, this spread of development within the site would exaggerate the harmful enclosure of the settings of the designated heritage assets.

15. Dwellings near the appeal site comprise a variety of styles and materials, with the proposed materials to match those within nearby houses. Notwithstanding this, the use of a feature panel within the flank wall would do little to ameliorate the imposing presence of such tall, deep buildings. Their substantial bulk would dominate views of the area, particularly as they would make a strident and overwhelming contrast to the multi-phased church. The stark juxtaposition that would result from such long, tall walls very close to the graveyard would abruptly contain views of the church, thereby drawing the eye away from this listed building and also from the listed tombs, which in themselves have been deliberately styled so as to emphasise their importance. Rather than being seen as a historic landmark building within a verdant setting, the church would be seen in competition with the imposing combined bulk of the proposed dwellings.
16. My attention has been drawn to an earlier appeal on the site for a block of eight apartments that was dismissed in January 2019 (appeal ref: APP/C3620/W/3201515). Whilst the appellant considers the decision to be now largely irrelevant, from the evidence provided this scheme was for a large, two storey apartment building positioned close to the graveyard. As is the case with the proposal before me, that scheme also resulted in the loss of a subservient relationship to the church, diminishing the open setting that this grade I listed building benefits from and deserves. Furthermore, since that appeal decision was made, the Framework acknowledges the important contribution trees make to the character and quality of urban environments. The loss of the trees that positively contribute to the character and appearance of the area, including to the setting of the listed buildings and to the conservation area, would fail to accord with this objective of the Framework.
17. The Framework also requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given above, the scheme would harm the setting of the church and listed tombs, and also the setting of the conservation area. These harms would be less than substantial given the size of the site when compared to that of the settings of these designated heritage assets as a whole. Nevertheless, they would be of considerable importance and have to be weighed against the public benefits of the proposal.
18. The Council cannot demonstrate a five-year housing land supply, and three additional homes would be a public benefit, as would the economic benefits arising from the future occupiers using nearby services and facilities. The provision of family homes would be another public benefit of the scheme. However, these modest benefits would not outweigh the significant harm that arises to the settings of the listed buildings and the conservation area. This is particularly so in the case of the church as it is grade I listed and the

Framework makes it clear that the more important the asset, the greater weight should be afforded to its conservation.

19. The appellant's Heritage Statement refers to the impact of the scheme on the settings of two other nearby listed buildings, Hop Garden Cottage and The Hermitage. These seventeenth century houses are constructed from local materials under red tiled roofs. They are set back from the public highway behind gardens defined and enclosed by walls and outbuildings, and they are part of the varied row of houses to the southern side of Lower Road. The proposed dwellings would be part of the line of houses to the northern side of the road. The dwellings would be set back within the plot, with the retention of many of the mature trees and shrubs within the front garden, and having regard to this, they would have a neutral impact upon the settings of these listed buildings.
20. Given my findings, the proposal would unacceptably harm the character and appearance of the area, would fail to preserve the settings of the listed church and tombs, and would also harm the setting of the conservation area. The harms to the listed buildings would be contrary to the requirements of the Act and also with objectives of the Framework, and the conditions suggested by the parties would not mitigate these harms. The scheme would also conflict with Policy CS14 of the Mole Valley Core Strategy (2009), Policies ENV22, ENV23, ENV24, and ENV53 of the Mole Valley Local Plan (2000) (LP), and Policies BKEN1, BKEN2 and BKH2 of the Bookham Neighbourhood Development Plan (2015). These policies seek, amongst other things that development respects and enhances the character and appearance of the area, including with regard to site boundaries and not result in a cramped appearance with regard to the locality, and that existing tree cover is preserved and enhanced with schemes being designed to retain trees and hedges. In addition, the proposal would fail to accord with the requirements of LP Policies ENV39 and ENV43, which require that development does not detract from the setting of a listed building, and that within the setting of a conservation area, development shall preserve or enhance the character and appearance of an area.

Other Matters

21. Local residents have raised a number of other matters, including loss of outlook, light, and privacy, highway safety concerns, and the absence of a construction management plan. Following my findings on the main issue I have no need to consider these matters further.

Planning Balance and Conclusion

22. The Council acknowledges that a five-year supply of deliverable housing sites cannot be demonstrated. Consequently, paragraph 11 of the Framework is engaged where planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
23. As found above, the proposal would result in modest social and economic benefits, including the provision of additional housing. Nevertheless, these benefits would not outweigh the significant harms that arise with regard to the impact upon the designated heritage assets, and these harms weigh heavily against the proposal, as well as providing a clear reason for refusing the development.

24. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. In this case the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the scheme.
25. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR