



Appeal Decision

Site visit made on 12 March 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2024

Appeal Ref: APP/C3620/W/23/3324838

67-68 West Street, Dorking, Surrey RH4 1BW

- 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 Sam Rosenthal against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0042/PLA.
 - The development proposed is the change of use from commercial to commercial and 9 dwelling houses. (Of these nine flats, flat 8 is a duplex that is situated on top of the existing flat roof to the rear and at first floor with a cone shaped second storey volume clad in tiles), flat 9 is through the addition of a new recessed attic storey, the addition of windows to the North Street elevation, addition of a glazed roof and doorway to a minor void space off the main court, repaving the main court, allocation of a bin and bike store, a new residential entrance off North Street, with associated conservation lights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is an extant prior approval for the conversion of the rear ground floor and upper floors to 7 residential flats. There is also an extant planning permission for the change of use of part ground floor and the upper floors to 8 residential flats and various alterations including the addition of windows to the North Street elevation, a glazed roof and doorway to a void off the main courtyard, refuse and cycle storage to the rear and the creation of a loft space with conservation lights.
3. The appeal proposal seeks to increase the number of residential units to 9 through the addition of a mansard style roof with dormers. The proposed roof storey would accommodate a 1-bedroom flat. With the exception of the roof alterations, the other proposed external alterations and residential layout would remain as per the extant planning permission.
4. The appellant has submitted an updated ground floor plan showing revised refuse and cycle storage arrangements, reference 094-EP-00 rev A. The drawing shows some minor amendments to the location and quantum of cycle and refuse storage within the rear courtyard. The Council have had the opportunity to comment on the revised drawing. I do not consider that my acceptance of this drawing would be prejudicial to any party. I have therefore determined the appeal on the basis of the revised ground floor plan.

Main Issues

5. The main issues are:

- The effect of the proposal upon the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Dorking Conservation Area.
- The effect upon the living conditions of future occupiers with particular regard to refuse and cycle storage.

Reasons

Conservation Area

6. The appeal site comprises a former bank building, located in a prominent position on the corner of West Street and North Street in the centre of Dorking. The site is within the Dorking Conservation Area (CA) and the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The CA encompasses the area around the main thoroughfares of the town centre, West Street, South Street and High Street. These streets converge just in front of the appeal site which occupies a prominent position at the heart of the CA. The CA is densely developed, with terraced buildings largely dating from the 19th and 20th Century, but typically with narrow frontages and deep plots. There are extensive views from the CA to the countryside beyond. I consider the significance of the heritage asset to be derived from the pattern of development showing the evolution of the market town, the juxtaposition of the built development with the rural views beyond, along with the numerous examples, particularly along the High Street, with stucco or brick parapets concealing pitched roofs behind, where the parapet is designed to be the feature visible against the skyline.
8. The stucco finish to the elevations and strong parapet line designed to be viewed against the skyline is a defining feature of the appeal building. Whilst there is an attic storey set within the pitched roof, it is concealed by the height of the parapet. This strong parapet line features in views along West Street and High Street. I find that the building makes a positive contribution to the CA.
9. I noted on my site visit that there are few traditional mansard roofs found in proximity to the appeal site and they are not a characteristic feature of the CA. I acknowledge the appellant's point that the use of mansard roofs as a form of extension was common for Victorian buildings. In this instance, however, a mansard extension would detract from the original intent to hide the pitched roof behind the plain façade, presenting a strong parapet line against the skyline.
10. I note that the National Planning Policy Framework (the Framework) supports the use of airspace above buildings for new dwellings and states mansard roof extensions on suitable properties should be allowed where their external appearance harmonises with the original building. I do not find that the appeal property is suitable in this sense given the effect of the proposed extension on the character and appearance of the building and that mansards are not a common feature across the CA.

11. Whilst I acknowledge that the existing 19th Century shallow pitched roof does not have the specific statutory protection of listing, it is nevertheless a part of the historic interest of the building and wider CA. In the absence of an approved scheme for its replacement or extension, I find there is no justification for its loss.
12. Although buildings in the vicinity are largely 3 or 4 storeys, there is not a uniformity to their overall height and consequently the height of the proposed mansard storey would not be at odds with other buildings in the area, or intrude on any key views across the CA. I also acknowledge that the proposal would not affect the setting of the 3 Grade II listed buildings in close proximity, namely 1 North Street to the rear of the site, 3 and 11 High Street located on the opposite side of North Street, or that immediately to the south at 2-6 West Street.
13. Notwithstanding my conclusions on the principle of the proposed roof extension, the use of slate cladding for the proposed roof extension and double-glazed timber sashes aligned with the existing windows below would be appropriate in terms of detailed design. Given that the other proposed alterations are subject to an extant permission, and they are not in dispute, I shall not pursue this matter further.
14. I conclude that the proposal, specifically the roof extension, would be harmful to the character and appearance of the host building and would fail to preserve the character or appearance of the CA. The proposal, therefore, would conflict with Policies CS14 of the Mole Valley Core Strategy 2009 and Policies ENV22, ENV23, ENV24 and ENV39 of the Mole Valley Local Plan 2000. These policies, taken together and amongst other things, require development to respect and enhance the character of the area, to be appropriate in scale, form and appearance including in relation to the plot boundaries, avoiding overdevelopment or a cramped appearance.

Living conditions of future occupiers

15. The revised ground floor plan shows storage for 6 bikes, along with suitable bins for refuse and recycling. The store would be clad in larch and located against the rear wall of the courtyard. Separate food waste caddies would also be provided. The drawing shows there would be sufficient space available for refuse and cycle storage without unduly compromising the courtyard space. Had the appeal been allowed, this matter could reasonably be dealt with by an appropriate planning condition.
16. I conclude that the proposals would therefore provide suitable living conditions for future occupiers with particular regard to refuse and cycle storage, in line with the aims of Policy ENV22 and MOV15 of the Mole Valley Local Plan. Taken together, these policies seek to ensure development provides a satisfactory environment for occupiers and require new development to provide for the needs of cyclists.

Other Matters

17. I have noted objections raised by interested parties with respect to matters including, but not limited to, the effect of the proposals on parking, privacy and daylight. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to pursue these matters further here.

Planning Balance and Conclusion

18. The Council acknowledges that it is unable to demonstrate a five-year Housing Land Supply, with the reported housing land supply at 2.9 years, representing a significant shortfall. It is also my understanding that the Council has failed to meet its housing delivery targets. Therefore, paragraph 11d) of the Framework is applicable. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 identifies designated heritage assets as such a circumstance. I have found that the proposal would fail to preserve the character or appearance of the CA. As the appeal site is a single building in the wider CA, I find that this would amount to less than substantial harm to the significance of the CA as a heritage asset. The appeal proposal does not therefore benefit from the presumption in favour of sustainable development.
19. The appeal proposal would provide 9 flats in a central location with good access to facilities and employment, and which would also make effective use of the land. Some socio-economic benefits would also stem from future occupants bringing trade to nearby shops and services.
20. The Framework explains that great weight should be given to the conservation of designated heritage assets. Whilst there are some public benefits to the proposal, they are not sufficient to outweigh the identified less than substantial harm to the significance of the designated heritage asset. Therefore, the proposal would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
21. I have found that the appeal proposal would not preserve or enhance the character or appearance of the CA. As such it is contrary to the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR