



Appeal Decision

Site visit made on 9 May 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2024

Appeal Ref: APP/C3620/W/23/3328453

Garage, Hart Gardens, Dorking, Surrey RH4 1JT

- 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 Farrow (The Momentum Group) against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0551/PLA.
 - The development proposed is the erection of a block of 8 No. flats with associated amenity space and landscaping following the demolition of existing buildings.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a block of 8 No. flats with associated amenity space and landscaping following the demolition of existing buildings at Garage, Hart Gardens, Dorking, Surrey RH4 1JT in accordance with the terms of the application, Ref MO/2023/0551/PLA, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the Dorking Conservation Area; and (ii) the effect of the proposed development on the living conditions of the occupiers of existing homes in Hart Gardens, with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal site is located within the Dorking Conservation Area, a mixed use area that includes the town centre. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Dorking over many years, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of many of the buildings that comprise the Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
4. The appeal site comprises industrial units to the rear of the High Street which are in a fairly poor state of repair. Nevertheless, their general appearance is reflective of the industrial history of the site and I am of the view that the buildings make a neutral contribution to the Conservation Area.

5. Permission was previously granted at appeal for a development proposal of six flats¹. The proposal before me, which is for eight flats, shares many similarities with that approved scheme in terms of the design and materials used. The rooflines of the two proposals are slightly different, with the appeal scheme having a double apex, which contrasts with the sloping roof form of the approved development. However, in my view, while the amended roof line may result in the upper part of the building having a very slightly greater mass, its overall height would be very similar, and I find that the appeal proposal would be no more dominant or overbearing than the approved scheme.
6. The proposal before me is effectively for a three-storey building. However, the lower storey would be located largely below ground level and so, when viewed from Hart Gardens, it would be seen as a two-storey block, not dissimilar to the approved scheme. This perception would not be altered by the proposed vertical emphasis of the windows. I also recognise that the changing topography of the land is part of the character of the area. However, I am not persuaded that this aspect of the development would lead to harm given that the three-storey nature of the building would only be apparent from very close range.
7. As a result of these factors, I am satisfied that the proposed development would not harm the character or appearance of the Conservation Area. The requirements of the Act are therefore satisfied, and the proposal would be in conformity with Policy CS14 of the Mole Valley Core Strategy, 2009 (CS) and Policies ENV22, ENV23, ENV24 and ENV39 of the Mole Valley Local Plan, 2000 (LP). Taken together, the relevant aspects of these policies seek to preserve character and appearance, including the significance of heritage assets.
8. The Future Mole Valley Local Plan (FLP) is now at Examination and a consultation has been completed on main modifications, meaning that the emerging policies can attract reasonable weight. However, the proposed development does not conflict with the relevant policies within the FLP. In particular, the key aspects of these policies have similar aims to the adopted development plan, and this issue does not therefore lead me to a different conclusion.

Living Conditions

9. The occupiers of the terraced properties on Hart Gardens currently look out onto the dwellings opposite rather than the appeal site itself. Furthermore, neither the marginal increase in mass of the building, nor the extra storey set below ground level, would cause any greater harm to outlook than the scheme that has already been approved.
10. I am therefore satisfied that the proposed development would not harm the living conditions of those existing occupiers. As such, the proposal would not conflict with LP Policy ENV22, which in part seeks to preserve living conditions. There would also be no conflict with the relevant policies of the FLP which have similar aims.

Other Matters

11. A number of objections have been submitted by third parties. However, the vast majority of these issues have already been addressed through the

¹ Council reference: MO/2021/1553

previous scheme that was allowed at appeal. The provision of an extra two flats would have a negligible additional impact on highway matters, and so there is no reason for me to depart from the findings of the previous Inspector in that regard.

Conditions

12. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. Conditions regarding materials, hard surfacing, joinery, landscaping and refuse and recycling facilities are necessary in the interests of character and appearance. Further conditions seek to reduce carbon emissions and ensure any archaeological features on site are recorded. I have also found it necessary to impose a condition on parking permits in the interests of highway safety. Finally, conditions have been imposed to ensure that the scheme is safe from surface water flooding and that adequate cycle facilities are provided.

Conclusion

13. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing Nos: A19019 A (S3) 01, A19019 A (S3) 07, A19019 A (S3) 08, A19019 A (S3) 09, A19019 A (S3) 10, A19019 A (S3) 11, A19019 A (S3) 12, A19019 A (S3) 13, A19019 A (S3) 14 and A19019 A(S3) 15
- 3) Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before any above ground works commence, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.
- 5) Before any above ground works commence, details of all external joinery shall be submitted to and approved in writing by the Local Planning Authority including materials, method of opening and large scale drawings showing sections through mullions, transoms and glazing bars. Windows and door openings should have a reveal to be agreed. The development shall thereafter be implemented in accordance with the approved details.
- 6) Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.
- 7) No development, including demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority
- 8) The refuse and recycling storage facilities, as shown on the approved drawing A19019A (S3) 09, shall be made available for use prior to the first occupation of the dwellings hereby permitted and, thereafter, shall be permanently retained as such.
- 9) No above ground works shall take place until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme which shall have been submitted to and approved in writing by the District Council. The approved scheme shall ensure that: i) following variations to the Surrey County Council Dorking Controlled Parking Zone in the District of Mole Valley (Consolidation of Waiting Restrictions and On Street Parking Places)

Order 2014; or any Order revoking or re-enacting the Order; occupants / prospective occupants of the proposed development (not being holders of a disabled persons badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation) of the development are excluded from entitlement to a resident's parking permit; ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held; (iii) measures are in place to communicate this requirement to future occupants of the proposed development, including their successors in title and any persons occupying the premises as a tenant or licensee.

- 10) Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework. The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground). The approved drainage scheme shall be implemented prior to the first occupation of the development.
- 11) Before any above groundworks take place details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority, detailing measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporating the planting of native species of shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any plants that die.
- 12) The development hereby approved shall not be first occupied unless and until facilities have been provided in accordance with the approved plans for the secure parking of at least 8 bicycles within the development site and thereafter, the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.