

Appeal Decision

Site visit made on 2 July 2024 and 9 July 2024

by J Dowling BA (Hons), M.Phil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/C3620/W/24/3339201

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 against the decision of Mole Valley District Council.
 - The application Ref MO/2023/0761/PLA, dated 30 May 2023, was refused by notice dated 25 August 2023.
 - The development proposed is demolition of existing bungalow and erection of 3 No. dwellings, including associated landscaping and parking
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Decision

1. This appeal is dismissed.

Procedural Matters

2. In December 2023 the National Planning Policy Framework (the NPPF) was revised. 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. I am satisfied that no one would be prejudiced by the changes and therefore it is this revised version of the NPPF that I have used when determining this appeal. As a result, the paragraph numbers referred to in this decision letter differ from those referred to in the decision notice issued by the Council.
3. The decision notice refers to the Bookham Neighbourhood Plan and the Bookham Neighbourhood Development Plan. The correct title for this plan is the Bookham Neighbourhood Development Plan 2015-2026 (BNDP) and I have referred to it as such when considering this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area with regard to the effect on the setting of the nearby listed buildings and the Great Bookham Conservation Area;
 - the effect of the proposal on living conditions; and
 - loss of trees.

Reasons

Effect on the character and appearance

5. No 206 is a detached bungalow located on the northern side of Lower Road at the point where the road begins to transition from residential to the commercial and cultural centre of the village. Whilst the residential properties on this side of the road vary in design, materials and age they are characterised by a similar building line and being separated from the footway by generous front gardens often with mature trees which provides a leafy and pleasant approach to the village.
6. Immediately to the west of No 206 and close to the historic centre of the village is the Grade I listed parish church of St Nicholas. The knapped flint and tiled church with its weatherboarded tower provides a focal point at the northern end of the village. The church is located centrally within a large graveyard which includes a number of Grade II listed tombs. The graveyard provides a tranquil setting for the church and provides a marked contrast to the leafy residential areas to the west and the denser and more commercial/urban areas along the High Street and Lower Road to the south and west.
7. On the opposite side of Lower Road to the appeal property there are a number of listed buildings including The Hermitage and Hop Garden Cottage, both of which are designated Grade II. Furthermore, the eastern boundary for the Great Bookham Conservation Area runs along the appeal property's side and front boundary.
8. The proposal would result in the demolition of the existing bungalow and its replacement with three new two storey units which would consist of a pair of semi-detached houses adjacent to the boundary with No 204 and a single detached house close to the boundary with St Nicholas's church. The semi-detached units would have a similar building line to No 204. To enable the retention of the majority of the existing mature trees the detached property would be set further back within the site. The existing parking layout would be retained and expanded. The proposed new units have been designed to reflect the design and materials of surrounding properties.
9. I observed on my site visit that there are a number of plots along Lower Road where densification has occurred, including the creation of two new units on the adjoining plot to the appeal site. As such I consider that in principle the redevelopment of the site at a greater density would be acceptable. However, I also recognise that this is a sensitive site given its location adjacent to a number of listed heritage assets and the boundary with the Great Bookham Conservation Area.
10. As the proposal would enable the retention of the mature tree screen at the front of the property, I am satisfied that the existing leafy approach to the village centre would be retained, and that the proposal would not adversely affect the setting of the listed buildings on the opposite side of Lower Road.
11. I observed on site that at present due to its relatively modest height, offset from the boundary and intervening trees the current bungalow has relatively little impact on the setting of the adjacent church and graveyard.
12. Whilst the proposal would enable the retention of many of the trees on the side boundary the location of the proposed detached house would introduce a

building of substantial scale, bulk and mass in close proximity to this sensitive boundary. Furthermore, I consider that due to the proposed staggered layout this would result in a combined side elevation/ roof form of some considerable length which would, particularly during the autumn and winter when there would be limited screening from the trees, be visually prominent in eastward views from Lower Road, the church and surrounding graveyard.

13. Graveyards by their very nature contain gravestones of a variety of styles and ages and whilst I observed that the section of the graveyard immediately adjacent to the boundary with No 206 contains more recent graves, I consider that it retains the openness of the site and does not detract from the setting of the church or the listed tombs.
14. I therefore consider that the proposal would adversely affect the setting of the church by eroding the current open setting and introducing buildings of a bulk and mass that would impede in wider views of the church and graveyard.
15. The NPPF (paragraph 205) requires that when considering the impact of a proposal on the significance of a designated heritage asset that great weight should be given to the asset's conservation, and the more important the asset the greater that weight should be. For the reasons given above I have concluded that the proposal would harm the setting of the Grade I listed church, the listed tombs and this part of the Great Bookham Conservation Area. However, I accept that as the proposal would not result in the loss of or works to the actual heritage assets this harm would be less than substantial and therefore in accordance with paragraph 208 of the NPPF I need to weigh this harm against any public benefits that the scheme would deliver.
16. Currently the Council are unable to demonstrate that they have five years' worth of housing land. Whilst the proposal would result in the loss of an existing residential unit this would be re-provided, and an additional two units created. I acknowledge that the new households would also deliver additional economic benefits through using and supporting nearby services and facilities. I recognise that these are all public benefits which the scheme would deliver. However, considering the importance of the heritage assets, in particular the Grade I listed church, I consider that these modest public benefits would not outweigh the harms I have identified above.
17. As a result, I consider that the proposal would harm the character and appearance of the area, fail to preserve the setting of the church of St Nicholas and the listed tombs and would harm the character and appearance of the Great Bookham Conservation Area. Therefore, the proposal would not comply with policy CS14 of the Mole Valley Core Strategy (2009) (MVCS), policies ENV22, ENV23, ENV24, ENV39, ENV43 and ENV53 of the Mole Valley Local Plan (2006) (MVLP), policies BKEN1, BKEN2 and BKH2 of the BNDP and section 16 of the NPPF. These policies seek to ensure that new development must respect and enhance the character and appearance of the area in which it is located, protect designated heritage assets and their settings and seek to preserve or enhance the character and appearance of conservation areas.

Living conditions

18. I note that in its report the Council considered that each habitable space would receive sufficient outlook and light. However, I also note that the Council then appear to contradict this by stating that due to the staggered position of unit

206a there would be an overbearing and loss of light impact on unit 206b. I consider that due to the orientation of the buildings and the extent to which unit 206a would project rearwards of unit 206b that Unit 206a would appear overbearing to future residents of unit 206b and would result in diminution in the light to the windows in the rear elevation of unit 206b.

19. I also agree with the Council that due to the proximity of unit 206a to the existing trees in this corner of the site that due to the orientation of the proposed unit and the size and maturity of the trees, the front elevation of unit 206a would experience a degree of overshadowing.
20. I observed on site that the current bungalow has a covered driveway that leads to a rear double garage. As a result, I consider that the parking of vehicles and their associated movements is already established where the tandem parking spaces for unit 206c would be located. I therefore do not consider that the living conditions for the occupants of No 204 Lower Road would be adversely affected by the proposal.
21. As a result, I consider that the proposal would be contrary to policy ENV22 of the MVLP, policy BKEN2 of the BNDP and the NPPF which seek to protect the living conditions of neighbouring properties.

Loss of trees

22. I note the Council's concerns regarding the potential loss of trees as a result of constructing the proposed development. However, I note that the application was accompanied by an arboricultural impact assessment and method statement which demonstrates how the proposal could be constructed without loss of or damage to the trees. Furthermore, any outstanding concerns regarding the impact of construction on the trees could be addressed through the use of appropriately worded conditions.
23. With regards to possible future pressure to remove the trees. The current proposal would retain these trees and as these trees are protected by a Tree Preservation Order the Council would have the means to control any future requests to trim or remove them.
24. I therefore consider that the proposal would not result in the loss of trees and as a result would comply with policy CS14 and CS15 of the MVCS and policy ENV22 and ENV25 of the MVLP which seeks to maintain the character and appearance of an area by amongst other things retaining existing trees of significant amenity value and paragraph 136 of the NPPF which encourages the retention of trees wherever possible.

Other Matters

25. I note that local residents have raised a number of other concerns including overlooking and loss of privacy, loss of light and outlook, highway safety and the impacts of construction on living conditions. Following my findings on the main issue I have no need to consider these issues further.

Planning Balance and Conclusion

26. As the Council has acknowledged that it cannot demonstrate that it has a five-year supply of deliverable housing paragraph 11 of the NPPF is engaged. This advocates a presumption in favour of granting planning permission unless the

adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

27. As I have set out above the proposal would deliver modest social and economic benefits including the delivery of new housing where there is currently a shortage. However, I consider that these benefits would not outweigh the significant harms to the designated heritage assets that I have identified above.
28. As a result, whilst a key aim of the NPPF is to significantly boost the supply of housing the NPPF needs to be read as a whole and in this case I consider that the public benefits that the scheme would deliver would not be outweighed by the harms to the designated heritage assets which section 16 of the NPPF seeks to conserve.
29. Therefore, for the reasons given above and having considered all other matters raised, this appeal should be dismissed.

Jo Dowling

INSPECTOR