



Appeal Decision

Site visit made on 25 July 2024

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 3 September 2024

Appeal Ref: APP/C3620/W/23/3330424

9 Woodlands Park, Boxhill KT20 7JL

- 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 Mrs A Keep against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1066/PLA.
 - The development proposed is the subdivision of the existing site and construction of a new bungalow to the south of the existing bungalow with a new crossover from Woodlands Park.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became National Landscapes. The appeal site lies within the Surrey Hills National Landscape, formerly known as the Surrey Hills Area of Outstanding Natural Beauty (AONB). Notwithstanding the references to the Surrey Hills AONB within the submitted evidence, I refer to the Surrey Hills National Landscape (SHNL) within my decision.
3. On 26 December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of AONBs, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities "in exercising or performing any functions in relation to or so as to affect land in an AONB...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB" [my emphasis].
4. The explanatory note to the LURA states "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this." As such, it is incumbent upon me to evidence consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the SHNL. I have therefore taken this into consideration in my determination of the effect of the proposal in respect of the Council's second reason for refusal, regarding the effect on landscape character. Comments were invited from the main parties on the effect of this amendment to the appeal. No comments were received.
5. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes

to the planning system. Comments were invited from the main parties on whether these have any relevance to the appeal. No comments were received.

6. The Council has confirmed that its Emerging Local Plan has reached an advanced stage, however, with the exception of one draft policy, it is not seeking to rely on the emerging policies. Given this, my determination of this appeal is made against the current development plan policies. The weight to be attached to the relevant draft policy is explored within my reasoning below.
7. The Council did not consider the proposal to be inappropriate development in the Green Belt and also found that there would be no harm to openness. On the basis of the evidence before me, I have no reason to disagree and have considered the appeal on this basis.

Main Issue

8. The Council gave three reasons for refusing the proposed development. It is appropriate to address these within the following main issue: the effect of the proposal on the character and appearance of the area, including in relation to protected trees and whether the development would conserve and enhance the landscape character.

Reasons

9. The appeal site is located within a low density, verdant residential area in a village. Woodlands Park is made up of bungalows of a similar size and scale. This includes the appeal property which occupies a corner plot, is generous in size compared to other plots on the road and is bordered by a hedgerow and trees. Mature trees and high hedges contribute positively to the landscape. This character is particularly prominent along Boxhill Road, where the majority of dwellings are well set back from the road and screened by vegetation and trees.
10. Within the SHNL, the Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty and it has the highest status of protection in relation to these issues. This requirement is also reflected in Policy CS13 of the CS, as well as Policies P1, P2 and P3 of the Surrey Hills Management Plan 2020-2025 (SHMP). Draft Policy EN8 advises, amongst other matters, that within the SHNL, proposals that fail to conserve and enhance the landscapes and scenic beauty will be refused.
11. The proposal would require the removal of a substantial section of the laurel hedge on the boundary with Woodlands Park. Given the corner location of the site, this loss of vegetation would be visible from Boxhill Road and Woodlands Park and would be detrimental to the natural character, in particular along Box Hill Road. This would also increase the prominence of the proposed dwelling.
12. The initial stretch of Woodlands Park, on entering from Box Hill Road, exhibits a strong landscaped character, with the first set of bungalows, which includes the appeal site, enclosed by dense vegetation and trees. This closely reflects the characteristics of Boxhill Road. As such, whilst I accept that further along Woodlands Park, properties exhibit a more open character, this is not the case for the appeal site which sits within two street scenes.
13. The proposed dwelling would introduce built form significantly closer to Boxhill Road, than presently exists in the immediate surroundings. My attention has

been drawn to existing properties which sit closer to Boxhill Road; however, limited details have been provided and it is the immediate surroundings which are most relevant in this case. Whilst the built form would be partially screened by the existing boundary treatments, the roof form would likely be visible above. This, together with the reduced vegetation around the corner of the site, would mean that the proposed dwelling would likely be visible from Boxhill Road.

14. My attention has been drawn to two residential park home sites on the opposite side of Boxhill Road. Both these sites have a wide access and along part of this stretch, boundary treatments are low. As such, the park homes are clearly visible and prominent from Boxhill Road. In general, that side of the road is much more open and boundary vegetation and trees are sparser. However, given the difference in character between the two sides of the road, the presence of the park homes does not persuade me that the effect of the appeal scheme would be acceptable.
15. The two corner plots, which includes the appeal site, play an important role in the transition between Woodlands Park and Boxhill Road. As such, whilst larger than other plots on Woodlands Park, its subdivision would result in smaller plot sizes, and a higher density than is characteristic along Woodlands Park. The increased density together with the loss of vegetation, would have a detrimental effect upon its transitional role.
16. There are several trees within the appeal site which are the subject of a Tree Preservation Order¹. The trees appear to be in good health and I cannot preclude future growth. The construction of foundations within the root protection area of trees to be retained would be required, and consequently specialist no-dig construction methods are proposed. In addition, tree protection methods are proposed. The accompanying arboriculture reports conclude that with the protection and construction methods, the likelihood of harm to the trees from the construction process is very low.
17. Although the surveys have been undertaken by professionals, the reports are not based on an accurate topographical survey, and there are limitations in terms of the soil information. These factors create uncertainty over the report's conclusions. Even if I were to accept that the proposed construction methods would be sufficient to avoid direct harm to the rooting environment of the relevant trees, there is high potential for future pressures to lop/prune the trees given the very close proximity.
18. In particular the Yew Tree positioned between the proposed and the existing dwelling, together with the Oak and Beech trees in the corner of the site and along the boundary with Boxhill Road, would all have canopies overlapping the proposed bungalow and its immediate surroundings. This coverage would affect three of the four elevations of the building, and as such there is high potential for a detrimental effect upon daylight to key habitable rooms.
19. Having regard to the above factors, I am not satisfied that the proposed development would result in a sustainable relationship with retained trees, such to ensure their long-term health. The proximity of the proposed development would be likely to result in harm to the Yew, Oak and Beech trees by way of

¹ TPO/108/1/A

future pressure for pruning/lopping. In turn, this would result in a detrimental effect on the attractive, verdant character of the area.

20. While the appellant may be content with the potential shading, ownership may change in the future, and I must consider the long-term implications of the development. Similarly, whilst I note that there is a new emphasis within Building Regulations on avoiding overheating, this would not necessarily avoid future pressures. As such, this does not persuade me that future pressure for pruning or felling would be avoided.
21. Given the above, the proposal would be harmful to the character and appearance of the area, including due to a failure to protect retained trees. In turn, the proposal would fail to preserve or enhance the landscape character as required the CRWA, as amended by LURA. The proposal would therefore conflict with Policies CS13, CS14 and CS15 of the Mole Valley Core Strategy 2009 (CS) and Policies ENV22, ENV23 and ENV25 of the Mole Valley Local Plan 2000 (LP). These policies, taken together and insofar as relevant, require that development has regard to existing trees of amenity value, respects the character and appearance of the locality, and enhances the landscape character area in which it is proposed.
22. There would also be a conflict with emerging policy EN8. Whilst the plan is at an advanced stage, there is a lack of evidence as to whether the policy is subject to any unresolved objections. As such, the conflict with this policy attracts moderate weight.

Other Matters

23. The proposal would make a modest contribution towards the supply of housing in the Borough, and towards the government's target to significantly boost the supply of homes.
24. The construction of the proposed development would deliver temporary economic benefits. The delivery of an additional dwelling would result in additional spending within the area, including within the nearby village centre which is accessible on foot. Given the scale of the development, the wider public benefits including associated with an increase in housing, would be modest.

Planning Balance

25. The CS and the LP date from 2000 and 2009, however, the weight to be attached does not hinge on the age of the plans. Paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. I am satisfied that the policies relevant to the determination of this appeal accord with the Framework requirements to be of a high-quality design and to conserve and enhance the landscape character. In addition, the policies would accord with the Framework in recognising that trees make an important contribution to the character and appearance of the area.
26. The conflict with the CS and LP policies are therefore a significant concern. In terms of the harm to the SHNL, whilst the adverse effects would be very localised I am required to attribute great weight to this harm. The harm to the character and appearance of the area, would also be localised, nonetheless, it would run counter to the requirements of the Framework which promote good

design. The harm to the protected trees would run counter to the Framework's recognition that trees make an important contribution to the character and quality of urban environments and requirement to retain existing trees wherever possible. These harms collectively attract considerable weight.

27. The Council has advised that there is a housing shortfall in the Borough. Consequently, paragraph 11 d) of the Framework is engaged. 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 the SHNL as such an area, and therefore the presumption in favour of sustainable development does not apply in this case.
28. The scheme would be acceptable in terms of the impact on the Green Belt, the living conditions for future occupiers, would exceed the national space standards, and would be acceptable in terms of parking, highway safety and renewable energy. However, the absence of harm in these respects is a neutral matter.
29. Given the above, collectively there would be limited benefits associated with the appeal scheme. The harms that would be caused by allowing the development would outweigh the benefits.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR