

Appeal Decisions

Site visit made on 3 September 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal A Reference: APP/C3620/W/24/3345875

113 South Street, Dorking RH4 2EP

- 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 and Mrs Anthony and Sarah Voltz against the decision of Mole Valley District Council.
 - The application Reference is MO/2023/1972/PLAH.
The development proposed is 'a three storey side extension, and minor internal alterations'.
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Appeal B Reference: APP/C3620/Y/24/3345876

113 South Street, Dorking RH4 2EP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Anthony and Sarah Voltz against the decision of Mole Valley District Council.
 - The application Reference is MO/2023/1973/LBC.
 - The works proposed are 'a three storey side extension, and minor internal alterations'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The document submitted with the appeal by Liberty Rose Architects (May 2024) includes drawings of the side extension with an amended hipped roof design. It is not clear, however, whether it is the appellant's intention to submit such an amendment at this stage noting that separate revised plans have not been provided or referenced in the main appeal statement. In any case, the Planning Inspectorate's Procedural Guide¹ advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Council and by interested parties at the application stage. In this case, in addition to the doubt regarding their

¹ Section 16 of Procedural Guide: Planning Appeals – England (updated 20 August 2024)

status, I cannot be certain that all those notified of the original application will have seen the amended drawings. Therefore, in the interests of fairness I have not accepted these drawings as part of the appeal and have considered the scheme on the basis of the drawings that were before the Council when it determined the applications.

4. As the appeal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issues

5. The main issues are (i) whether the proposal would preserve a Grade II listed building known as '113 and 115 South Street' (Ref: 1229820), and any features of special architectural or historic interest it possesses and (ii) the effect on the character and appearance of the area and (iii) the setting of the Dorking Conservation Area ('the Conservation Area').

Reasons

6. Nos.113 and 115 South Street comprise a pair of semi-detached houses dating from the early to mid-19th century, built in a Georgian style of architecture. The original and formally designed original 'frontage' of the property is now the rear elevation. The elevation fronting South Street has a more irregular pattern of fenestration as well as contrasting doorways and porches. Internally the plan form of No.113 generally reflects the historic layout and function of a Georgian style dwellinghouse. Whilst including two dwellings, the building was originally designed to appear as a single large Georgian style dwelling.
7. Previous alterations to No.113 include a side garage extension, rear double storey bay and small first floor projection above the garage. A rear extension to the appeal property has been recently approved along with alterations to the existing outbuilding.
8. Taking account of the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the architectural and historical interest of the pair of mid-19th century Georgian style houses including the historic plan form and building hierarchy, formally designed existing rear elevation and the legibility of traditional materials.
9. The building is located outside of, but close to, the Conservation Area which extends to the northeast from the opposite side of South Street. The Conservation Area covers an extensive area including the historic commercial and residential core of historic Dorking. Its significance, insofar as it relates to these appeals is primarily associated with the evidence of historic residential and commercial development of the area, including a rich variety of building styles. The setting of the Conservation Area includes those streets immediately adjacent to it and visible from it, including the historic properties at Nos.113 and 115 which, whilst located outside of the Conservation Area boundary, given their proximity, make a positive contribution to its significance.
10. A two-storey residential property adjoins the flank elevation of No.115. A modern residential development is located adjacent to the flank elevation of

No.113 stepping upwards from two storeys to a three/four storey corner element. These form part of what is a predominately mixed residential character in the immediate vicinity of the appeal site.

Listed building

11. In spite of the building attached to No.115, the listed building retains a strong individual presence within the streetscene. Indeed, the attached building has an architectural style and form that directly contrasts with the appeal building and it is read in the streetscene as a clearly defined property with its own distinct form. The existing gap (above the single storey garage) adjacent to No.113 contributes positively to the setting of the listed building within the streetscene. Whilst the existing garage is not in keeping, its modest scale and massing minimises its impact.
12. Although it would be lower than the main building, the proposed extension, of three storeys, would still be of a substantial scale, massing and width, extending up to the side boundary with the adjacent building. The proposed gable ended roof form would be at odds with the existing hipped roof forms of the listed building. Despite the proposed use of matching materials, the design, massing and width of the extension would distract from and erode the legibility of the historic building, undermining the historic and architectural integrity of the listed building. Taking account of its overall scale and massing, the set back from the front elevation would not prevent the harm that would result.
13. Whereas the first-floor doorway to the extension would use an existing opening, the proposed second floor doorway to the extension would lead to the loss of a small amount of historic fabric within the existing external wall of the building, causing an albeit limited amount of further harm to the integrity and special interest of the listed building.
14. The proposed solar panels would be located on the existing rear facing roof slope. In this instance whilst the rear roof slope would not be prominent in public views, the rear elevation of the property is the principal historic formally designed elevation and therefore of particular importance to the building's special interest. Noting the Historic England Advice Note (Consultation Version), I consider that the incongruous appearance of the panels would harmfully erode the architectural integrity of the building. It is also not clear whether alternative locations within the appeal site for the panels have been robustly considered that might cause less harm to the building's special interest. I also know that the solar panels may be removed in the future when no longer required, however the harm arising is likely to persist for a considerable period of time and there is no control over their removal.
15. For the above reasons, I therefore find that the proposals would fail to preserve the special interest of the listed building. Consequently, I give this harm great weight.

Setting of Conservation Area and general effect on character and appearance of the area

16. Drawing on some of the aspects considered above, the proposed extension would be sited up to the flank boundary of the site close to the flank elevation of the neighbouring building. At three storeys, it would be significantly higher than the section of the neighbouring building adjacent to it. Despite the small set back the extension would be prominent within the streetscene, especially so in the approach along South Street from the northeast.
17. Whilst a neighbouring building adjoins No.115 and the residential development to the east is a continuous development, the proposed extension would erode the remaining gap in the streetscene, which is particularly important to provide an appropriate setting for the listed building. The proposed gable ended roof, in contrast to the existing main hipped roof of the listed building would also exacerbate the harm arising.
18. The extension would appear as being unacceptably cramped within the streetscene, to the detriment of the character and appearance of the area and the setting of the Conservation Area. It would also erode the legibility of the historic listed building as set out above.
19. The proposed solar panels, located on the rear facing roof slope, would not be prominent in public vantage points and therefore, notwithstanding the harm to the listed building, they would not be harmful to the setting and significance of the Conservation Area. This does not, however, override the harm arising from the overall form and appearance of the extension within the streetscene.
20. The proposed extension would therefore result in significant harm to the character and appearance of the area and also moderate harm to the setting and significance of the Conservation Area.

Planning balance

21. Paragraph 205 of the National Planning Policy Framework ('the Framework') advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that any harm to, or loss of significance of a designated heritage asset through its alteration or destruction, or from development within its setting, should require clear and convincing justification. Given that the proposals affect only a small part of the existing historic fabric and are visible from only a small part of the Conservation Area, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposals, which include securing the optimal viable use of listed buildings. The proposed solar panels would provide modest public benefit through the generation of renewable energy. The appellant states that the proposed extension would protect the eastern elevation from further degradation, though it has not been demonstrated that this is such to require the works

proposed, rather than other maintenance and repair works. This benefit therefore carries little weight. The removal of the existing garage would potentially be a small benefit to the integrity of the building. The proposal would also provide for improved car parking at the property, with some resulting highway/pedestrian safety benefits, whilst noting that vehicles would still be required to reverse into or out of the garage parking space which limits the benefits arising.

23. Whilst additional living accommodation would be provided to meet the needs of the appellants this would be a private benefit, noting that the existing dwelling already appears to provide a good standard of accommodation, along with the approved rear extension. The continued viable use of the building for residential use is not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence.
24. I find that when considered individually or in combination, the public benefits in this case would be outweighed by the harm that would result. I conclude that the proposals would fail to preserve the special interest of the listed building, the setting and significance of the Conservation Area and the general character and appearance of the area. This would fail to satisfy the requirements of the Act and would be contrary to the relevant heritage and design aims of Policy CS14 of the Mole Valley Core Strategy 2009, Policies ENV22, ENV23, ENV24, ENV32, ENV39 and ENV43 of the Mole Valley Local Plan 2000 and the Framework.

Conclusion

25. For the above reasons I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR