



Appeal Decision

Site visit made on 13 November 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/C3620/W/24/3346506

44 West Street, Dorking RH4 1BU

- 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 Cullum (Ralph James Holdings Ltd) against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1682.
 - The development proposed is: Alterations to shopfront to facilitate access to floor above. Conversion of first floor with second floor addition to provide one self-contained flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. On 15 October 2024, the Council adopted a new Mole Valley Local Plan (MVLN). MVLN Policies supersede those in the former Mole Valley Local Plan 2000 and Mole Valley Core Strategy 2009 that were in place when the original application was determined. I have considered this appeal against the new MVLN Policies brought to my attention. I gave the parties the opportunity to comment on these and have taken account of their responses in my decision.
4. 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. I invited the parties to consider whether the proposed reforms had relevance to this appeal and have taken account of their responses.
5. The proposed revisions to the Framework are draft and therefore may be subject to change before the final Framework is published. Consequently, I give them limited weight.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the existing building, and whether it would preserve or enhance the character or appearance of the Dorking Conservation Area;
- whether the proposed development would preserve the setting of the Grade II listed building known as The King's Arms; and
- whether proposed arrangements for the storage and servicing of waste and recycling would be acceptable.

Reasons

Character and appearance

7. The Dorking Conservation Area (CA) encompasses a large area with its historic core defined by the High Street, West Street and South Street. The varied townscape and mix of building types, materials, purposes, and forms reveal Dorking's incremental growth as a market town around these roads. The West Street character area within the CA is distinctive for its mix of uses and variation of building scale and form, including good quality shop fronts and good survival of industrial buildings and workshops. As a group, the buildings along West Street contribute to the architectural and historic significance of the CA as a record of the town's industrial and commercial heritage.
8. No 44 is part of this important building group. It comprises a glazed shopfront with a deeply recessed entrance at ground level, a modest, black timber-fronted first floor and a gable roof. The understated scale and functional appearance of the first floor and distinctive glazed entrance exemplify the building's past use as a workshop above a draper's shop, notwithstanding changes to the shopfront's colour and signage over time. The building's modest scale also provides an appropriate foil for the imposing three storey façade of No 43 on one side and the tile-hung gable of the public house on the other. For these reasons, No 44 is integral to the varied townscape on West Street and thereby makes a positive contribution to the significance of the CA.
9. The addition of a second floor on the appeal premises would undermine the historic subservience of the building's first floor, in both form and use, relative to the ground floor shop unit. This would greatly erode the building's industrial character. The proposed access to the flat through one side of the recessed entrance would interrupt the symmetry of the glazed design and thereby diminish the integrity of this characteristic feature. The separate residential lobby, with cycle rack and coat storage, would also weaken the appearance and identity of the ground-floor unit as a shop. These changes, and the increase in overall scale of the building relative to its neighbours, would lessen No 44's character within, and contribution to, the historic group facing West Street.
10. The detriment to No 44 would therefore harm the significance of the CA as a designated heritage asset. This harm would be less than substantial.
11. The probability of the building being used as a workshop in the future is of little consequence bearing in mind No 44's positive contribution to the significance of the CA is largely derived from its scale, appearance and architectural features.

12. I recognise the scale and variety of building heights along West Street has evolved, and some buildings have undergone alteration, so there has been incremental change to this part of the CA over time. Be that as it may, the proposed alterations to No 44 would detrimentally affect elements of the building that make a positive contribution to its history and character, and to appreciation of the street's historic context. Consequently, although not all change in this part of the CA would necessarily be harmful, the change in this instance would not be appropriate for the reasons I have outlined.
13. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the existing building and would not preserve or enhance the character or appearance of the CA. This is contrary to MVLP Policies EN4 and EN6, which require development to respect, contribute to and enhance local character, and alterations to existing buildings not to harm elements that make a positive contribution to a Conservation Area. It is also contrary to the Framework, where it seeks developments that are sympathetic to local character and history, including the surrounding built environment, while not preventing appropriate change.

Setting of listed building

14. The King's Arms is a Grade II listed public house, parts of which date from the early 16th century. Its significance as a designated heritage asset is largely derived from architectural features including its timber frame, tile-hung gable, and ground floor bay window, and from its historic role throughout the development of West Street and the town centre. Its setting includes the eclectic historic West Street townscape of which it is a central feature, which includes No 44; and the yard to the rear. This setting contributes to the significance of the listed building by revealing its historic use as a former coaching inn, and ensuring views of the asset are not dominated by nearby buildings.
15. The proposed addition of a floor would increase the height of the appeal premises to be close to that of the pub's historic tile-hung gable. This would diminish views of The King's Arms in West Street and dominate views of its yard to the rear, thereby eroding appreciation of the building's architectural features and historic role. Further, the change in scale of the appeal premises would disrupt the integrity of the historic buildings on West Street as a group, thereby lessening appreciation of the listed building within its setting.
16. As noted above, building heights along West Street have evolved so there has been incremental change to the setting of The King's Arms over time. Nevertheless, No 44 is next door to the public house, so its modest scale is particularly important to appreciation of the listed building, whether or not the public house was intended to be a landmark. The small gap between the pub and No 44 is not sufficient to off-set the proposed increase in height or avoid domination by the development of the heritage asset in the street-scene. This relationship is materially different from that between The King's Arms and the slightly taller building at No 47, because on that side there is an intervening alleyway that provides a larger gap and greater perception of separation.
17. For the above reasons, I conclude the proposed development would not preserve the setting of the Grade II listed building known as The King's Arms. The resulting harm to the significance of the listed building would be less than substantial.

Waste and recycling

18. There would be insufficient outside space for waste storage/collection. There is little to demonstrate the proposed internal waste compaction unit would provide a hygienic and practical alternative arrangement such that occupiers would use it in the long term. There is a resulting risk future occupiers would place waste sacks in the street, to the detriment of public health and safety.
19. I therefore conclude the proposed arrangements for the storage and servicing of waste and recycling would not be acceptable. This is contrary to the Framework, which seeks developments that function well, add to the overall quality of the area, and provide a high standard of amenity for future users.

Other Matters

20. The appeal scheme before me is a resubmission of a preceding application refused by the Council¹. I appreciate the appellant has attempted to overcome the concerns previously raised, but the amendments would still result in a proposal that would harm the character and appearance of the area and the significance of designated heritage assets for the reasons I have outlined.

Planning Balance

21. I have found less than substantial harm to the significance of both the Dorking CA and the Grade II listed building known as The King's Arms. Under paragraph 208 of the Framework, less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
22. In accordance with Framework paragraph 205, I give great weight to the assets' conservation and to the harm to them that would result from the development. There would be a public benefit from the creation of one dwelling. Given the Council's latest Housing Delivery Test (HDT) score is less than 75 per cent, I give this benefit moderate weight. The proposal would also support the local economy through construction and future occupiers' use of services and facilities in the town centre, to which I also ascribe moderate weight. Nevertheless, the weight of these benefits is not sufficient to outweigh that of the harm I have found.
23. This harm to designated heritage assets is contrary to MVLP Policy EN4, which reflects the Framework's approach in this regard. The policies in the Framework that protect designated heritage assets provide a clear reason for refusing the development proposed. Consequently, whether or not the Council can demonstrate a five-year housing land supply, and notwithstanding the HDT score noted above, paragraph 11d) of the Framework is not engaged.

Conclusion

24. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter INSPECTOR

¹ Ref MO/2022/1222