



Appeal Decision

Site visit made on 12 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/C3620/W/24/3342874

Abinger House, Church Street, Dorking, Surrey RH4 1DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Rosalind Gall on behalf of Solve Planning Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1276.
 - The development proposed is prior approval for a single storey extension above second floor level to provide 8 residential dwellings under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) do not require regard to be had to the development plan. I have had regard to the policies of the development plan, the National Planning Policy Framework (the Framework) and any related guidance only in so far as they are relevant to the assessment of the main issue in this case.
3. On submission of the appeal scheme the appellant provided a heritage statement ref PM/10267 April 2024. The heritage statement was available when the appeal was submitted and the Council had the opportunity to comment. The heritage statement provided clarity rather than any significant changes to the proposed scheme. Accordingly, no one would be prejudiced were my decision to have had regard to this.
4. Following the Council's determination of the appeal application, Mole Valley District Council adopted the Mole Valley Local Plan 2020-2039 Adopted October 2024 (LP). The Council have not provided a copy of the LP with this appeal, so I have relied on the online version available on the Council's website.

Main Issues

5. The main issues are:

- whether the proposed development exceeds the limitations of Class AA, and
- the effect of the proposed development on the external appearance of the building, having particular regard whether the proposed development would preserve or enhance the character or appearance of the Dorking Conservation Area and whether its effect on the settings of nearby Grade II* and Grade II listed buildings would harm their significance.

Reasons

Whether the proposed development exceeds the limitations of Class AA

6. The Council considered that the proposed development complies with all the relevant Class A restrictions save for the restriction set out in paragraph A.1.(b), that being that development is not permitted by Class AA if, above ground level, the building is less than 3 storeys in height.
7. The Council consider that the second floor of the building is located within the roof-space and therefore does not constitute a storey. Part 20, paragraph C.(2)(b) of the GPDO states that references to a "storey" do not include any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration.
8. The appeal site is a building set over three floors with the ground and first floor being clearly defined with vertical brick walls. The second floor is mansard style with hanging tiles and sloped walls. The top of the building is flat.
9. The Council state that when the appeal building was originally granted planning permission there were various discussions within the officer's report in relation to containing the top floor within the roof, and mansard roof.
10. However, based on the evidence before me it is clear that the building was built as a three storey building, with the second floor being full height and the external tiles being decorative, rather than serving any structural purpose. It is also noted that there is a flat roof above the ceiling of the second floor which I consider to be the roof.
11. I have had regard to the appeal decision¹ referred to by the Council. However, the assessment of whether a building is three storeys or not is a matter of fact and degree and is dependent on the amount of information provided with the appeal. While the Inspector has reached a different view, I find that based on the evidence before me that the building is not less than three storeys and therefore the proposed development would not be contrary to the limitation as set out.

¹ APP/JO350/W/22/3298114

External appearance

12. The Dorking Conservation Area (CA) covers an area encompassing the towns historic core. Its significance is derived from a well-defined hierarchy of street, lane, footpath and alleys, reflecting the evolution of the town over many centuries. Changes in level through the CA provide interest and enjoyment of the historic townscape which is made up a mix of building types with a good survival of historic industrial buildings and workshops, particularly those linked to small scale brewing, foundry enterprise and other cottage industries. The spire of the church of St Martin's can be seen throughout the town and provides a wayfinding point. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the very narrow roads and footways which allow the variation of scale and form of historic buildings to be appreciated.
13. The Council allege harm to the setting of listed buildings, the Church of St Martin (Grade II*) and the United Reform Church (Grade II). Insofar as this appeal is concerned, the significance of the Church of St Martin is derived from its architectural detailing and significant spire which is a dominant feature within Dorking and has provided a visual and spiritual focal point throughout the town and its boundaries for many years. The significance of the United Reform Church is derived from its architectural detailing.
14. The appeal building is three storeys and it is proposed to build an additional storey to accommodate 8 dwellings. The design of the additional storey is to be a mix of glazing and opaque panels. While there are some tall buildings that surround the appeal site, the majority are two storey dwellings and buildings which results in the appeal site already being a prominent building within the street scene. The proposal to add an additional storey would increase the overall bulk of the building and result in a dominant feature within the street scene and wider area.
15. The proposed use of glazing would also draw further attention to the building through reflecting light and highlighting internal lighting when it is dark. There are also no other examples nearby of similar designed glazed storeys which would make the proposal stand out further. The appeal site is located just outside of the CA but has strong views into it, however, it is between two identified character areas as identified within the Council's, Conservation Area Appraisal. Character Area West Street is a stretch of the medieval high street and North Street, Church Street, and Mint Gardens is more intimate reflecting the narrow streets around the Church of St Martin. However, Church Street runs through both character areas, and past the appeal site providing a link and important views which allow the distinctive and historic character of the CA to be appreciated.
16. The overall result of the proposal would draw attention to the building, particularly from Church Street due to its height and design and would detract from the short- and long-range views into the CA and its traditional scale and form of buildings.

17. Views of the Church of St Martin are limited from Myrtle Road due to the existing height of the appeal building and as such the proposed additional storey would have no further effect. However, views the spire and top of the church are particularly prominent from Church Street and while the proposal would not block these views, the additional glazed storey would be a dominant and discordant feature on the street scene and would draw attention away from the church, thereby harming its significance as a focal point within the town.
18. In relation to the United Reform Church, the significance is best appreciated from the frontage of the building when views from West Street and while some of the detailing is visible from the appeal site, this would remain unchanged due to the car park which would continue to allow views. I therefore consider that the proposed development would have a neutral effect on the setting of the United Reform Church.
19. Notwithstanding my findings on the setting of the United Reform Church, I find that the proposal would cause harm to the settings of the Church of St Martin and CA and would cause harm to their significance.

Other Matters

20. The appellant has referred to a planning application recently granted at the appeal site for the provision of additional floor and other external alterations to provide 5 residential units with associated refuse and cycle storage. I note that the appellant considers that this reinforces that the principle of an additional floor is acceptable, and this does not appear to be in dispute by the Council.
21. However, based on the evidence before me the appeal proposal is larger, covering more of the roof, proposes more dwellings and the design also differs in that glazing and opaque panels are proposed which is different to the smaller scale of the planning application and its proposed use of cladding.

Planning Balance

22. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset and that this should have a clear and convincing justification.
23. Given the scale of the proposed development and its visibility, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
24. The public benefits of the proposed development include the provision of new dwellings on a brownfield site which would be located in a sustainable location with access to shops, services and public transport. The proposed dwellings could also support the vitality and viability of the town centre through future occupiers spending. There would also be some economic benefits through the construction of the proposed development. When considered as a whole, these benefits do not outweigh the great weight I afford to the conservation of the CA and setting of the Church of St Martin.

25. Given the above, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA and the setting of the Church of St Martin, causing less than substantial harm to the significance of each, and no public benefits have been cited that outweigh this harm. This would conflict with the Framework which states that impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposal would also conflict with Policies S4 and H2 of the LP which amongst other things, seek to ensure that the character and heritage assets of Dorking Town Centre Conservation Area are conserved.

Conclusion

26. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR