



Appeal Decision

Site visit made on 5 November 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/C3620/D/24/3347981

31 Mill Lane, Dorking, Surrey RH4 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Laura Groom against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0252/CC.
 - The application sought planning permission for Basement extension with courtyard and new boundary wall without complying with a condition attached to planning permission Ref MO/2019/0239/PLAH, dated 7 February 2019.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan number PROPOSED LAYOUT and PROPOSED LAYOUT SECTIONS, PROPOSED LAYOUT originally submitted 06.03.19 contained within the application and no variations shall take place.
 - The reason given for the condition is: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 15 October 2024, the Council adopted the Mole Valley Local Plan 2020-2039 (MVLN). The MVLN replaces the Mole Valley Local Plan October 2000 and The Mole Valley Local Development Framework Core Strategy October 2009. The main parties were given an opportunity to provide comments on the relevant policies of the MVLN and I have taken these into account.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Background and Main Issue

4. 31 Mill Lane is a two storey end of terrace dwelling located in Dorking town centre. The appeal site also lies within the Dorking Conservation Area.

5. Planning permission has been granted for a basement extension with courtyard and new boundary wall. The proposal seeks to substitute approved plans with revised plans to retain an existing opening in the front boundary wall to enable access to the garden and basement and to allow the storage of refuse bins on the property.
6. I observed during my site visit that the development is retrospective, and that the existing opening in the front boundary wall appears wide enough for a car to access and park on the appeal site. I have dealt with the appeal on that basis.
7. The Council refused the application on the basis that the existing opening is sufficient to accommodate a vehicle clear of the highway, but it does not have the required pedestrian and vehicular visibility splays, which could potentially cause danger and inconvenience to pedestrians and other highway users.
8. Consequently, the main issue is the effect that varying the disputed condition would have on highway and pedestrian safety.

Reasons

9. Mill Lane is a narrow road with restrictions which prevent parking along the road. The road is subject to a 30mph speed limit and there are reasonable levels of vehicle and pedestrian movements along the road due to the location of the appeal site within the town centre.
10. Even though it is suggested that the gap would be retained for pedestrian access only, I am mindful that in the context of the area, the ability to park a car on the land is an attractive proposition for the occupants of the host property.
11. The space is constrained by brick boundary walls to either side, as well as a hedgerow and wall at the rear. These features result in a driveway of limited width and depth. Visibility either side of the gap is also restricted by the tall brick walls.
12. The lack of space within the site to manoeuvre would result in the need to reverse into the driveway or reverse onto the road. This would compromise the free flow of traffic on the road and increase the likelihood of conflicts between pedestrians, cyclists, and vehicles. As a result, the access and parking space, due to the lack of space and poor visibility, in an area with reasonable levels of vehicle and pedestrian movements, results in a harmful highway safety risk.
13. The development would provide associated benefits for the appellant in that it would continue to allow pedestrian access to the dwelling, without using the steps outside the primary access to the property. As such there would continue to be benefits for people with pushchairs and in wheelchairs, as well as for manoeuvring waste bins. However, there is limited substantiated evidence which confirms why the same benefits could not be provided by a smaller gap in the wall which would prevent a vehicle from parking on the land, thus avoiding the highway safety harm identified. Therefore, I only attach moderate weight to these matters, and they do not outweigh the harm to highway safety that would result from the development.

14. For the reasons outlined above and on the evidence before me, I conclude that the development has an unacceptable impact on highway and pedestrian safety. Accordingly, it conflicts with Policies INF1 and INF2 of the MVLP, which together and amongst other things require that development proposals should be located so as to eliminate any unacceptable impact on highway safety and that satisfactory provision for the parking of vehicles should be provided in accordance with the identified standards.

Other Matters

15. The appeal site is located within the Dorking Conservation Area (the CA). As such there is a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
16. The CA encompasses a large area of the town centre, and its significance derives in part from the many late nineteenth century red brick buildings of architectural and historic interest. The appeal property forms part of a linear row of red brick terrace cottages. The cottages are set behind and above a tall red brick wall and are visible along the road. As such, they contribute to the architectural style and character of this part of the town centre, and the cottages and appeal property make a positive contribution to the character, appearance, and significance of the CA.
17. The front boundary wall, which is constructed with red brick, has an attractive appearance and whilst the gap opens up views into the site it does not result in a harmful feature within the CA. Therefore, the development preserves the character and appearance of the CA, and no harm would be caused to the significance of the CA.
18. Likewise, subject to the final design, including the use of appropriate materials, there is no reason why a smaller gap in the front boundary wall would not preserve the character, appearance, and significance of the CA also.

Conclusion

19. The appeal proposal conflicts with the development plan taken as a whole. There are no material considerations to lead me to find otherwise than in accordance with it.
20. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR