

Application Number and Registration Date	MO/2018/1169 (Detailed) 06-Jul-2018
Applicant	Mr E James-Rae
Case Officer	Mr David Webb
Amendments /amplifications	Amended by plans received 30/08/2018
Committee Date	3 October 2018
Ward(s)	Mickleham, Westhumble & Pixham
Proposal	Demolition of existing dwelling and erection of new replacement dwelling.
Site Description	Barn End, Pilgrims Way, Westhumble, Dorking, Surrey, RH5 6AW

RECOMMENDATION: Approve subject to conditions

Summary

The application site is located within the smaller rural village of Westhumble. The existing property forms part of a distinctive and attractive group of former farm buildings which have been converted to residential use. The proposal is to replace the existing building with a detached property. The design is considered to respect the character of the surrounding courtyard with matching eaves and ridge heights with the immediate neighbouring property and would be finished in matching materials (white timber boarding) to the courtyard. The consultation response objection from the AONB Officer has been considered and appreciated from a historic point of view, however the proposal is overall considered to be harmonious with its surroundings and in the designated landscape area. The concerns raised by residents regarding breaches in amenity have been considered and the proposal is not considered to cause any significant amenity concerns.

1. Development Plan

1.1. Built up area

- 1.2. Metropolitan Green Belt
- 1.3. Area of Outstanding Natural Beauty
- 1.4. Area of Great Landscape
- 1.5. Within 800m of SAC

2. Relevant Planning History

MO/2017/2015	Removal of existing dwelling and erection of 1 No. new dwelling and garage	WITHDRAWN 2018-01-31
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3. Description of Development

3.1. The application site is located on the western side of Pilgrims Way, which is located within the smaller rural village of Westhumble, which is washed over by the Green Belt and the Surrey Hills Area of Outstanding Natural Beauty (AONB).



- 3.2. The existing property, known as Barn-End, forms part of a distinctive and attractive group of former farm buildings that were converted to residential uses in the 1930s. The group of buildings as a whole has not, to a large degree, been changed since their initial conversion. The property itself is in a very poor state of repair and is considered to be at the end of its serviceable life.
- 3.3. The current application seeks permission to erect a replacement dwelling on the site. The dwelling would be taller than the current dwelling but would match the height of the immediate neighbouring property. The external materials would match with those found on the existing dwelling and surrounding dwellings in the courtyard development.

4. Consultations

4.1. SCC Highways:

“The application site is accessed via Pilgrims Way, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.”

4.2. SCC AONB Officer:

“The principle of redeveloping the application building is supported and I consider the current proposal to be an improvement upon the previous withdrawn application MO/2017/2015 about which I expressed concern. However, the current proposal still does not respect the scale, height, form, and still remaining general symmetry and design of the remaining courtyard. In itself and to some this may be regarded as a well architect designed building but, it is submitted, not in this setting.

Barn End forms part of an early courtyard of traditional farm buildings understood to have been converted into dwellings in the 1930s. It therefore existed before most of the detached houses at Westhumble were built and as such forms part of the built heritage of this AONB settlement, albeit not listed. It has a unified, harmonious and distinctive charm forming an attractive feature in Westhumble. Parts are screened from Pilgrims Way and the entire courtyard cannot be read together from the road but this does not negate the need to protect its character.

The proposal should generally reflect the form, scale and design of St. Antony on the opposite side of the courtyard. Some aspects of the proposal, such as the design of shuttered windows on the courtyard elevation and white weather boarding, do reflect those on neighbouring buildings.

But this would be the only two storey and detached building in this courtyard. While the first floor would be partly contained within a raised pitched roof it would nevertheless be seen as a two storey building with two large half dormers with suburban styled windows on the main west elevation, two smaller better proportioned half dormers on the courtyard elevation and 4 roof lights. The large modern double window in the middle of the west elevation would look most odd and it is unclear how in practice it sides would be handled given that it would be partly on the vertical wall and partly on the plane of the pitched roof. Moving the front entrance to the side and the extensive ground floor glazing on the west elevation together with the introduction of the suburban styled windows also on the ground floor would additionally undermine the harmony and character formed by the other dwellings.

The new NPPF gives greater emphasis than before to the need for planning authorities to refuse inappropriate design. Presumably the Council embraces this Government policy which gives added justification for seeking a more appropriate design in this setting.

The several letters of support for the proposal, including from the occupiers of St. Antony opposite and those not living locally, have been taken into account. They have not persuaded me the application can be supported from an AONB aspect. I also note that pre-application consultation took place but am confident that has not pre-empted determination of this formal application which needs to take into account consultation responses.

In conclusion, the principle of redeveloping the application building is supported. At the same time, there is a legitimate AONB concern that the new building should respect the scale, harmony and design of this attractive courtyard of former farm buildings from an era prior to the main residential area of this AONB settlement being built. For the reasons explained above I consider the building would not. The proposal conflicts in particular with Surrey Hills AONB Management Plan Policy LU3 and a more appropriate design for this setting should be sought.

5. Representations

5.1. 56 letters of representation from 44 separate addresses (30 in support of the proposal) have been received (excluding applicant letters) the remaining letters of representation raise the following summarised concerns:

- Design is a departure from original design
- Out of character
- Overlooking
- Overbearing
- Ground floor windows should be the same size as other courtyard windows and should be conditioned

Officer comment: The windows sizes vary in the courtyard, there is not considered to be any harm caused to the character of the area from the proposed window sizes.

- Front door should not be moved

Officer comment: *The front door would open onto land owned by Hay Barn which the applicant has a right of access over. This is a private matter between the land owner and the applicant and could not form a reason for refusal.*

- Safety of new driveway

Officer comment: *The proposed hedge either side of the parking area has been amended to show a reduced height to overcome this concern. The Highway Authority has not commented as the road is privately owned.*

- Ruins symmetry of courtyard

Officer comment: *The courtyard is currently not symmetrical, this issue is covered in more depth in the body of the below report*

- Solar panels unsightly

Officer comment: *Amended plans state the solar panels would be integrated into the roof and not bolted to it*

- Removal of hedge totally changed the courtyard

Officer comment: *The proposal includes the planting of a hedge along the courtyard side of the site.*

- Concern about family living in a caravan during works

Officer comment: *The temporary stationing of caravan during construction works of a development does not require planning permission.*

- Footprint and height not appropriate to surroundings

Officer comment: *this is assessed in the report below*

- Concerns of the time frame of the build

Officer comment: *The LPA can not restrict the length of time it takes to build a development*

- Concern over possible burning during construction

Officer comment: *Damage caused to neighbouring properties would be private matter between both parties.*

- Further outbuildings should be restricted

Officer comment: *See conditions, section 8 of the report*

- Proposal would contribute to pricing out “newly forming households, young couples and expanding families”

Officer comment: *House prices is not a planning consideration and cannot be taken into account*

- Neighbour would like reassurances in writing for the making good of the exposed west wall of Hay Barn

Officer comment: It is the legal responsibility of the applicant and/or his contractors carrying out the works to 'make good' neighbouring properties affected by the proposal. An Informative is recommended under section 8 below making the applicant aware of this and of The Party Wall Act.

- Inconsistencies in the drawings

Officer comment: Amended plans have been submitted addressing this.

6. Main Planning Policies

6.1. Government Guidance

National Planning Policy Framework

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

6.2. Mole Valley Core Strategy

CS1 - Where Development will be Directed (A Spatial Strategy)

CS2 - Housing Provision and Location

CS3 - Balancing Housing Provision

CS13 - Landscape Character

CS14 - Townscape, Urban Design and the Historic Environment

CS15 - Biodiversity and Geological Conservation

CS19 - Sustainable Construction, Renewable Energy and Energy Conservation

CS20 - Flood Risk Management

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria

ENV23 – Respect for setting

ENV24 – Density of development and the space about buildings

6.4. Other Documents

Surrey Hills AONB Management Plan

7. Main Planning Issues

7.1. The main planning issues for consideration are:

- Principle of development
- Impact upon the character of the surrounding area
- Impact upon the AONB and AGLV
- Impact upon neighbouring properties

Principle of development

7.2. Policy CS1 states that limited development (including redevelopment) and infilling will take place on previously developed land within the identified larger rural villages and

infilling only on previously developed land within the small rural villages in the District. Although the site is located with the Metropolitan Green Belt the Proposals Map which accompanies the Mole Valley Local Plan and the Core Strategy identifies the application site as being located within the 'small rural village' of Westhumble. Therefore, general development control criteria apply rather than the stricter Green Belt limitations and assessments. Accordingly, the principle of redeveloping the site with a replacement dwelling is considered acceptable.

- 7.3. Policy CS3 seeks a balanced housing market requiring housing proposals to take into account and reflect local housing needs in terms of the tenure, size and type of dwellings and particularly seeking the provision of two and three bedroom dwellings. This proposal is for a three bedroom dwelling so complies with this policy.

Impact upon the character of the surrounding area

- 7.4. Section 12 of the NPPF (Achieving well-designed places) states that planning decisions should ensure that developments "*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); "establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;"*
- 7.5. Mole Valley Local Plan policy ENV22, General Development Control Criteria sets out seven general criteria for sound development control practice. Criterion 1 requires that development should be appropriate to the site in terms of its scale, form and appearance. Criterion 2 requires that the proposal does not significantly harm the amenities of neighbouring occupiers by reason of overlooking or its overshadowing or overpowering effect. Criterion 3 requires that development should respect the character and appearance of the locality. Criterion 4 states that the proposed development should have regard to attractive features of the site such as trees, hedges, walls or buildings that contribute to the character of the locality.
- 7.6. Mole Valley Local policy ENV23, Respect for Setting requires that development should take account of the scale, character, bulk and proportions of the surrounding built environment, and that it should not comprise overdevelopment in relation to the size of the plot and/or surrounding developments. Criterion 3 requires that new development has regard to established townscape features, including the space around buildings.
- 7.7. The proposal is for a two storey dwelling on the site which would broadly sit over the footprint of the existing dwelling on the site. The design is overall of a traditional form and appearance which is considered to be in keeping and sympathetic with neighbouring properties in the courtyard in terms of height, eaves height and external materials.
- 7.8. Concerns have been raised in letters of representations that the design would interrupt the character and symmetry of the courtyard. The courtyard whilst harmonious in its appearance is not symmetrical, Barn-End and its attached neighbour Hay Barn are not attached to the northern side of the horse-show of buildings and the ridge height and eaves height of Hay Barn are taller than the rest of the buildings due to the buildings past use. The proposal would raise the ridge height over the current dwelling however the form, in terms of the dwellings eaves and ridge height would match the height of Hay Barn (see elevation in para.7.10).
- 7.9. The front door of the original property faces west, which is the same as 'St Anthony' on the opposite side of the courtyard. The proposal is to move the front door of the property to the courtyard side (northern elevation) of the property. Concerns have

been raised about this, however as stated in para.7.8 the courtyard is not symmetrical and moving the entrance to the northern elevation would not be out of character with the courtyard as all other properties (except St Anthony) have this arrangement, including the immediate neighbour Hay Barn (see below). Therefore there is not considered to be demonstrable harm arising from the location of the front door to Barn-End.



7.10. The proposal includes two pitched roofed dormer windows on the northern and western elevations to allow upper floor accommodation within the roof space of the proposed dwelling. The form and appearance, on the perceived most sensitive part of the site (the courtyard side) is considered to be traditional and therefore in keeping with the overall traditional character of the former farm buildings.

7.11. On the western elevation (facing Pilgrims Way) the proposal includes two traditional styled dormer windows as well as two contemporary features in the form of a 'sloping and vertical combination' roof light on the first floor and, sliding patio doors on the ground floor (shown in the below elevation 7.13). As these are not on the perceived most sensitive elevation and would not be largely visible from Pilgrims Way due to the garden hedges along the roadside, these more modern features are considered to be acceptable. Furthermore national guidance states *"where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."*



Impact upon the AONB and AGLV

- 7.12. The village is set within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV), the SCC AONB Officer has commented on the proposal (full comments above, para.4.2) and raised objections based on the scale, harmony and design of the proposal in the courtyard setting. Whilst these comments are appreciated from a historic point of view, the site is not a heritage asset in the form of a Conservation Area or a Listed Building. It is considered from an Officers point of view, for the above reasons, that the scale of the proposal is comparable to the existing building in terms of footprint, and the eave and ridge height of the proposal match with the immediate neighbouring property which the proposal would be most read in context with, once entering the courtyard. The domestic style windows in the proposed dwelling which the AONB Officer considers, "*undermine the harmony and character formed by the other dwellings*" are considered to respect those found in the neighbouring dwellings in the courtyard in terms of scale and their traditional appearance.
- 7.13. Overall it is considered that the development will be read in connection with a group of neighbouring properties and for all intense of purposes is in the centre of a housing development, the design is considered to be sympathetic to the local character and history of the former farm, and the dwelling would not be prominent in the village, due to its considered design, and would not be prominent from within or around the AONB, so is not considered to be in contrary with Local or National planning policies including the Surrey Hills AONB Management Plan policies. Furthermore the proposal would replace a dwelling which cannot be considered to be adding to the AONB in its current state of repair, with a dwelling built to modern construction standards which gives The Council a level of control over finishing materials which they do not currently have. This would ensure the replacement of a run down dwelling with an appropriate replacement could arguably be said to enhance the AONB.
- 7.14. The site is also designated as an Area of Great Landscape Value. Policy CS13 requires that "*All new development must respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. Landscape enhancement works may be required to avoid adverse impacts associated with new developments*". The proposal is to replace a dwelling with another. Whilst the dwelling would be overall larger than the one its replaces, the replacement dwelling would be no higher, and therefore no more prominent in the wider landscape, than other neighbouring dwellings. The proposal also includes some landscaping proposals to replace hedging that has recently been removed. Overall it is considered that the proposal complies with policy CS13 in this regard.
- 7.15. As a matter of principle the AONB Board does support the redevelopment of the site for continued residential purposes. The difference of opinion, as outlined above, relates to an analysis of the AONB Management Plan Policy –
- 7.16. "*Development proposals will be required to be of high quality design, respecting local distinctiveness and be complementary in form, setting, and scale with their surroundings, and should take any opportunities to enhance their setting.*" (LU3).
- 7.17. Put simply the Planning Officer's assessment is that the proposal complies with this policy however the AONB Officer's subjective opinion differs with regard to the design. It is worth repeating that the NPPF in terms of design, requires that proposed developments "*are sympathetic to local character and history, including the*

surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”

Impact upon neighbouring properties

- 7.18. The neighbours most likely to be affected by the proposal are the adjacent dwellings to the east and south, known as Hay Barn and Dunheved respectively.
- 7.19. Concerns have been raised that that the proposal would be overbearing and overlook Dunheved to the south which is situated on a lower ground level. The separation from the proposed replacement dwelling and this immediate neighbour would be approximately 16 metres. The elevation facing this immediate neighbour would include two roof lights, one serving a bedroom and the other serving a bathroom. Amended plans were received which now show that both roof lights would have a sill level above 1.9 metres, this is considered to be sufficiently high enough to protect the reasonable amenities of Dunheved. The ground floor windows in the southern elevation would be screened by the boundary fence and mature planting on the Dunheved side. Whilst the ground level change has been taken into account, given the separation distance, the proposed dwelling is not considered to be overbearing on this immediate neighbour.
- 7.20. Hay Barn House is sited to the east of the application site. The proposal would include two side facing roof lights serving two bathrooms. These roof lights would have a cill level over 1.9 metres, which is considered to sufficient so to not cause an overlooking issue for this immediate neighbour. The rear garden of Hay Barn is south facing, therefore the increase in height is not considered to cause a loss of daylight. As the proposed building would be set away from the boundary and away from the rear garden of Hay Barn the proposal is not considered to be overbearing on this neighbour.

Conclusion

- 7.21. To conclude, the principle of a replacement dwelling on this site is considered to be acceptable. The proposed building is considered to be of an appropriate scale for the site and the design overall is considered to be acceptable in its historic setting of the courtyard. The amenities of neighbouring properties have been considered and the proposal is not considered to result in a loss of amenity to those neighbours. The proposed dwelling is not considered to have a detrimental impact upon the AONB or AGLV designated landscape. The proposal is therefore, for the reasons given above, considered to comply with the relevant policies and is recommended for approval as a result.

8. Recommendation

Permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers: 255 P-01 H, 255 SK-01 S, 255 P-09 L, 255 P-10 P, 255 P-06 P and 255 P-07 G contained within the application and no variations shall take place.

Reason: 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.

3. The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development hereby permitted and thereafter retained for that purpose.

Reason: To ensure that adequate facilities are provided for the parking of vehicles clear of the highway in the interests of the free flow of traffic and condition of safety on the highway in accordance with Mole Valley Local Plan policy MOV5.

4. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and, in the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

5. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

6. Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.

Reason: To optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy.

7. Prior to the first occupation the roof light windows in the eastern and southern elevations of the development hereby permitted shall be glazed in obscured glass and permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

8. Any new or altered hard surfacing to be provided to the front of the property shall be constructed from either porous materials or shall make adequate provision for the direction run-off from the hard surface to a permeable or porous area.

Reason: To prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

9. The landscaping scheme indicated on the approved plans shall be carried out in the first planting season after commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

Reason: To ensure the provision and maintenance of trees, other plants and grassed areas in the interests of visual amenity and in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS15 of the Mole Valley Core Strategy.

10. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions within Schedule 2, Part 1, Classes A, B, or C to any dwelling hereby permitted shall be erected.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality, in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy and to restrict the enlargement of dwellings in this rural area in accordance with Mole Valley Local Plan policy RUD7.

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure, swimming or other pool, within Schedule 2, Part 1 Class E, shall be carried out on the land the subject of this planning permission.

Reason: To protect the character and amenities of this rural area, in accordance with the advice contained in the National Planning Policy Framework Mole Valley Local Plan policy RUD19 and policy CS14 of the Mole Valley Core Strategy.

Informatives

1. The applicant is advised that the structural stability of the proposed western flank wall of 'Haybarn' has not been checked by the Planning Authority but is the subject of control

under the Building Regulations. The responsibility and liability for the structural safety of this wall therefore lies with the applicant, his advisors and/or his agents and contractors. The applicant is referred to the Building Act 1984 in this regard.

2. The applicant is reminded that the demolition and construction stage of the proposed development may give rise to problems of smoke pollution and/or noise, which will depend on the measures taken to control such potential problems. It is, therefore, strongly recommended that you contact the Council's Environmental Health Department at an early opportunity in order to discuss appropriate measures to be adopted for control of burning, noise and other potential problems for neighbouring residents

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

with no working at any times on Sundays and Bank Holidays.

3. In the interests of sustainability and the reduction of waste your attention is drawn to the desirability of recycling building materials wherever possible. The demolition or dismantling of structures on the site should be considered as part of the development process to maximise the reuse or recycling of materials rather than disposal as waste. For further information about re-use and recycling of building materials, the applicant is advised to ring the Surrey County Council Contact Centre on 03456 009009.
4. The applicant's attention is drawn to the Party Wall Act 1996 and the obligations that this legislation places on persons carrying out building works. Further information on the Party Wall Act can be found from <http://www.legislation.gov.uk/ukpga/1996/40/contents> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf
5. The proposed drainage scheme should aim to incorporate sustainable drainage features where practicable in all possible forms. It is recommended that water butts or rainwater harvesting for the re-use of potable water be considered on all schemes where appropriate.
6. The applicant is advised that the approval of details and/or samples required by condition(s) is subject to a fee, details of which may be viewed on the Council's website under the planning pages.

The fee may cover more than one condition where the details are submitted at the same time. Where subsequent submissions are made, a further fee will be payable per individual submission. The fee should be paid at the time of submission of the formal request.

PLEASE NOTE that this approval process may take up to 8 weeks from the date of the request. Applicants are therefore advised to submit requests in a timely manner.