

Application Number and Registration Date	MO/2019/0312 (Detailed Householder) 18-Feb-2019
Applicant	Mr D Pleese
Case Officer	Donna Penson
Amendments /amplifications	
Committee Date	5 June 2019
Ward(s)	Westcott
Proposal	Retrospective application for the retention of a rear extension, raised decking to the rear and side of the property and entrance gates off Rookery Drive.
Site Description	Mill House, Rookery Drive, Westcott, Dorking, Surrey, RH4 3LQ

RECOMMENDATION: Approve subject to conditions

Summary

The application property is a detached, thatched cottage that was originally a watermill. It is located towards the end of Rookery Drive, in an area designated as Metropolitan Green Belt, an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The Mill House forms a residential planning unit.

An application for gates and raised decking was submitted to the Council for consideration. During the site visit to appraise the application, it was noted that a rear extension had been erected which did not benefit from planning permission. In order to regularise the situation the agent was invited to include the extension for consideration.

Planning permission is therefore now sought for three elements:

- The retention of a rear extension. The rear extension has a depth and width of 4m and 6m respectively and an overall height of 6.4 metres.
- Raised decking to the rear and side of the property. The raised decking projects from the rear extension by 5m and has a width of approximately 6m. The side decking has a width of 4.5m and a depth of 2.6m. The height of the decking is 0.3m
- Entrance gates off Rookery Drive. The entrance gates have a height of 2 metres.

Neighbours have been re-consulted on the amended description.

At the time of the initial application fencing around the site exceeded two metres in height and would have required planning permission. An Enforcement Notice was served and has since been complied with. The fencing does not form part of this application and it is not a material consideration.

This application has been called into Committee by Councillor Friend for the following reasons; impact on the Green Belt, impact on the Area of Outstanding Natural Beauty and the impact on the neighbouring listed building.

The main issues for consideration are whether the proposal is inappropriate development within the Green Belt including the effect on the openness of the Green Belt and the Area of Outstanding Natural Beauty.

1. Development Plan

- 1.1. Metropolitan Green Belt (MGB)
- 1.2. Area of Outstanding Natural Beauty (AONB)
- 1.3. Area of Great Landscape Character (AGLV)
- 1.4. Flood Zone 3
- 1.5. Site of Nature Conservation

2. Relevant Planning and Enforcement History

DOR/3572	Conversion of a garage to a morning room	Approved 23.09.1963
MO/88/0578	Re-site chimney stack	Approved 16.05.1988
MO/2004/0858	Conservatory to existing summerhouse	Approved 16.07.2004
MO/2010/1031	Erection of first floor extension with undercroft parking	Withdrawn 01.10.2010
MO/2011/0499	Erection of first floor extension with undercroft	Refused. 13.06.2011
MO/2011/0417	Erection of first floor extension	Refused. 13.06.2011
MO/2011/0480	Erection of triple bay garage following demolition of existing garage and car port	Approved. 21.06.2011
MO/2011/1312	Erection of first floor side extension	Refused and Dismissed on Appeal 30.11.2011

MO/2017/1563	Erection of single storey side extension to facilitate conversion of barn to 1 No. dwelling	Refused and Dismissed on Appeal 05.12.2017
2018/0195/ENF	Without planning permission, the erection of close boarded fences with exceed 2m in height.	Complied. 02.04.2019

3. Description of Site



Figure 1 – Location Plan

- 3.1. The application property is a detached, thatched cottage that was originally a watermill.
- 3.2. It is located towards the end of Rookery Drive, in an area designated as Metropolitan Green Belt; an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The Mill House forms a residential planning unit.
- 3.3. The adjacent property known as Springs, is a Grade II listed building.
- 3.4. On the approach to the property at the end of Rookery Drive, the site is characterised by two sets of gates and Arris rail fencing and some hedgerows with open views.
- 3.5. Once past the entrance to the property the site is characterised by 2 metre close boarded fencing, another set of gates at a height of 2 metres, then the 2 metre close boarded fence continues along the side of the bridleway along with mature vegetation.

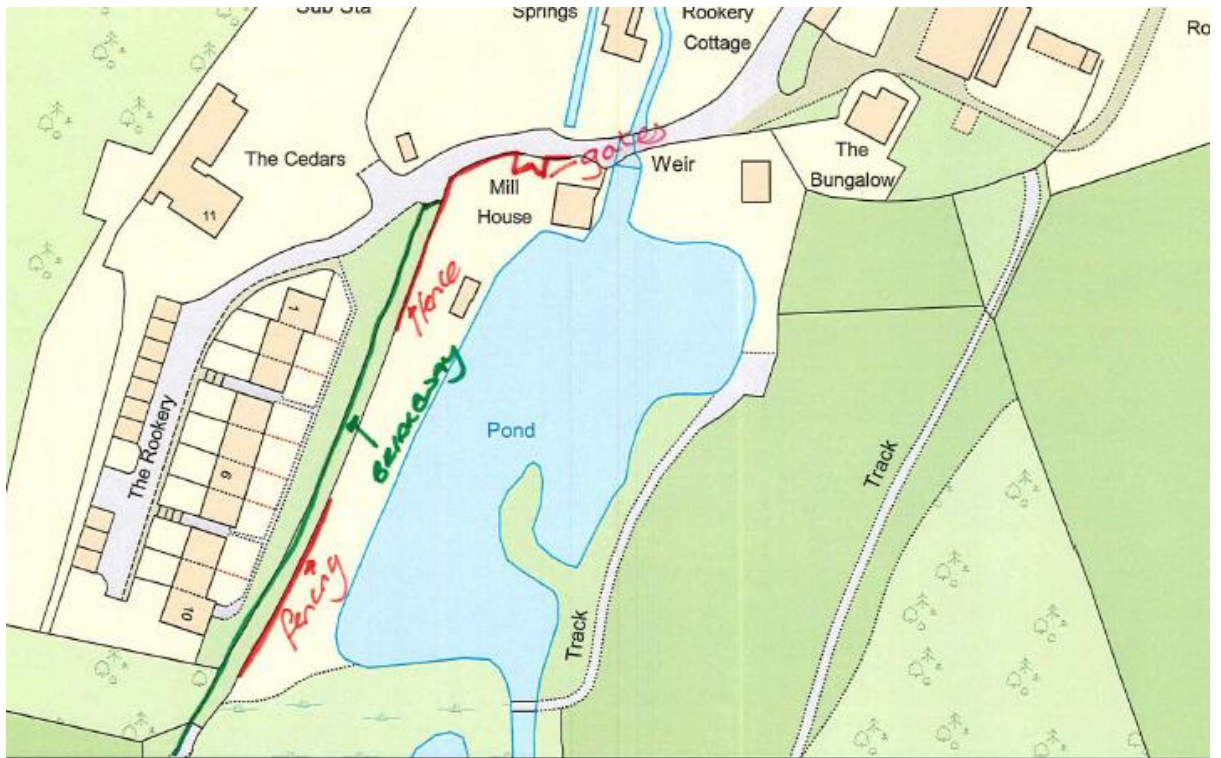


Figure 2 – Annotated plan indicating the location of fence, gates and bridleway

3.6. The bridleway runs along the western side of the site adjacent to neighbouring properties within The Rookery.



Figure 3 – Photo taken by the Case Officer on the site visit showing the rear extension and decking



Figure 4 – Photo taken by the Case Officer on the site visit showing the side decking

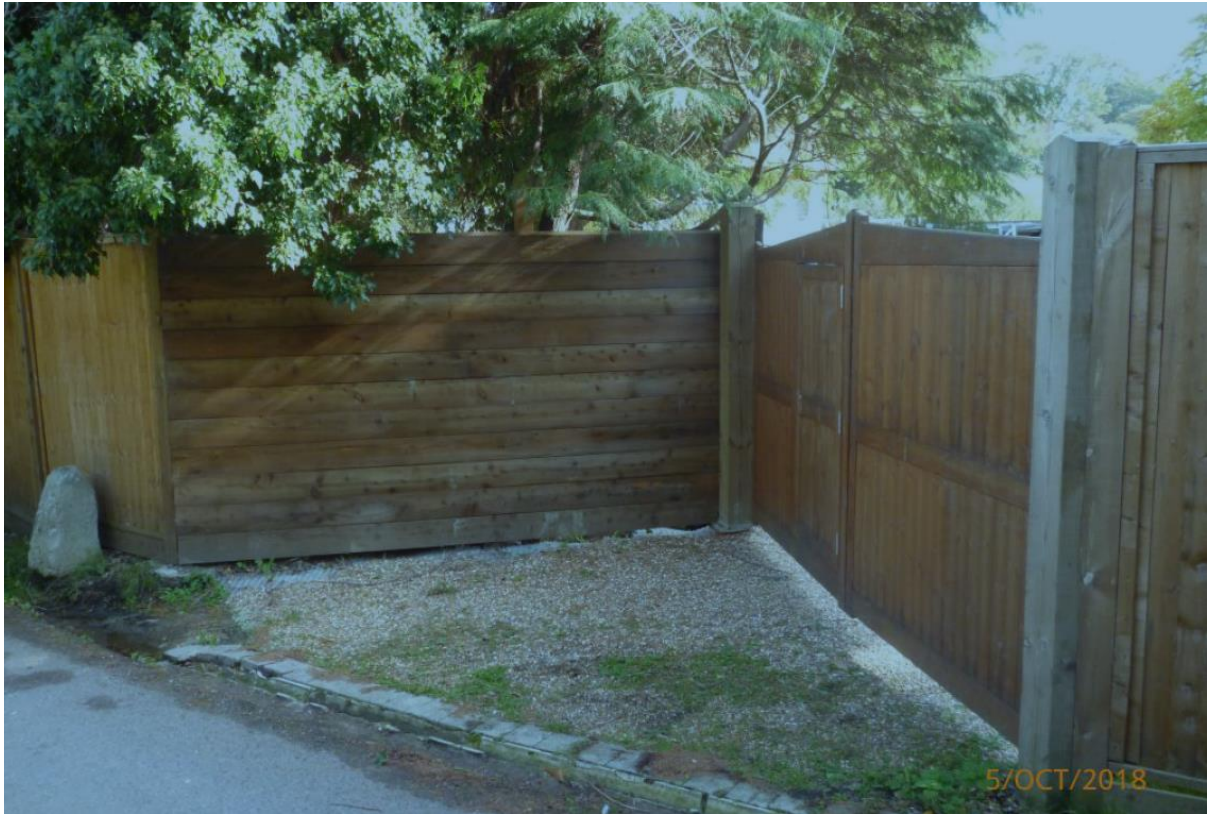


Figure 4 – Photo of gates off Rookery Drive



Figure 5 – Photo of fencing after gates



Figure 6 – Photo of fencing along bridleway

- 3.7. The current application seeks the retention of a rear extension, raised decking to the rear and side of the property and entrance gates off Rookery Drive.
- 3.8. The plans indicated a glazed balustrade to the decking, this was considered an unacceptable material given the sensitive rural and scenic location. The case officer therefore negotiated the glazed balustrade be changed to timber.

4. Consultations

4.1. Surrey Hills AONB Officer

The Surrey Hills Officer is of the opinion that the rear extension is not harmful to the AONB as it has been carried out in character with the dwelling including its thatched roof. However, the associated raised projecting decking at the rear with its prominent table and chairs neither conserves or enhances the Surrey Hills AONB. As the side balcony/raised decking is relatively small no objection is raised although it does seem out of place with the thatched cottage.

With regards to the gates, they impose an undesirable fortress like character to the land which is reinforced by the close boarded fencing.

4.2. Historic Environment Officer

The HEO is of the opinion that the proposed 'decking' to the side elevation of Mill House is unlikely to have a negative impact on the setting of the C 18th listed building (Springs) across the track to the north of Mill House and therefore raises no objection.

4.3. Council's Solicitor

Legal advice had been sought with regards to whether Rookery Drive was considered to be a highway. To summarise the generally accepted view of whether a roadway is a "highway" is that unless it is an adopted highway, a private road would only be regarded as a highway if members of the public have the right to pass and repass over it. That does not mean using the roadway for the purposes of visiting a property or making deliveries, it means using the road on a regular basis to gain access to or from some other feature, such as a recreation ground or car park, or as a 'cut-through' to another public highway.

Based on this view, The Council does not consider the roadway to the north of the property (Rookery Drive) to be a highway. Therefore, the gates within this application at the height of two metres do not require planning permission.

4.4. Surrey Highways

The County Highways Authority are of the opinion that the introduction of the gates on this private road would not have an impact on any highway safety issues.

5. Representations

5.1. 9 letters of representation have been received from 6 neighbouring properties which raised the following summarised concerns:

- Health and Safety concerns due to the driveway with its solid wood walls plus adjoining fencing.
 - *Officer Comment: The fencing is not part of this planning application.*
- Vehicles speed through this point.
 - *Officer Comment: The entrance gates do not impact on the speed of vehicles using the lane*
- Close proximity of the gates to the vehicular access point
 - *Officer Comment: The County Highways Authority are of the opinion that the introduction of the gates on this private road would not have an impact on any highway safety issues*
- Contrary to AONB
- Construction obstructs views of the countryside
- Affects nearby property values
 - *Officer Comment – not a material planning consideration.*
- Details within the application are inaccurate
 - *Officer Comment – the application is valid*
- Not in keeping with the local environment, including AONB and Green Belt
- The fencing along with the western boundary is also against regulation

- *Officer Comment – The unauthorised fencing which exceeds two metres in height along the western boundary has been removed following the service of an Enforcement Notice. The fencing is not part of this planning application.*
- Conditions should be imposed to prevent the commercial use of the lake and any further works that may conflict with the Local Plan or the AONB Management Plan
 - *Officer Comment – Each application is dealt with on its own individual merits. If the owners intend to use the lake for anything other than personal use then this would require planning permission. Imposing such conditions on this householder application would not meet the statutory tests.*
- Contrary to Local Plan policies ENV2, ENV4, ENV5, ENV6, ENV17, ENV21, ENV22, ENV23, ENV27, ENV28 and REC18.
 - *Officer Comment – ENV2, ENV27, ENV28 and REC18 are not saved policies within the Local Plan. ENV4, 5 and 6 have been replaced with Core Strategy policy CS13. ENV17 does not apply as the site is not within a defined Residential Area of Special Character and ENV21 would not apply to this householder application.*
- Owner has already had an application refused for a new driveway
 - *Officer Comment – The new access is onto a non-classified road and therefore does not require planning permission.*
- Unmade access roadway/driveway has no permitted development certificate issued by MVDC and poses a risk to users using the roadway or bridle way
 - *Officer Comment – The owner is not obliged to submit a Certificate of Lawfulness Application. Please note permission is only required when the road is a classified road Rookery Drive is not a Classified Road.*
- Inappropriate Development within the Green Belt
- Proposal is detrimental to the appearance of the area
- Restricts view of the AONB
- Applicant trying to undermine the Planning Process by added the extension last minute
 - *Officer Comment – the extension was added because the Planning Officer recommended regularising the situation. The amended proposal has been the subject of re-consultation and no prejudice has arisen as a result.*
- No details regarding the extension were on the website
 - *Officer Comment - The day the description was amended, the details were also added to the website. Neighbours were re-consulted for 21 days.*

- Hedges around the site are overgrown
 - *Officer Comment – Not a planning matter*
- Fencing is inappropriate in a rural setting within the AONB and detracts from the Green Belt.

5.2. Westcott Residents Association have raised the following summarised concerns:

- Supports the objections raised above from residents

6. Main Planning Policies

6.1. Government Guidance

NPPF

Section 13 – Protecting the Green Belt

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

CS13 – Landscape Character

CS14 – Townscape, Urban Design and the Historic Environment

CS20 – Flood Risk Management

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria

ENV23 – Respect for Setting

RUD7 – Extensions of Dwellings in the Countryside

6.4. Westcott Neighbourhood Development Plan

WNDP1 – Size, Architectural Style and Character of Housing Development

6.5. Other Documents

Surrey Hills AONB Management Plan

7. Main Planning Issues

The main planning issues for consideration are:

- Whether the proposal would be inappropriate development in the Green Belt, including the effect on openness.
- Impact on the character of the area including the Area of Outstanding Natural Beauty
- Impact on the amenity of neighbouring properties
- Other considerations

Policy Context

The site is located within the Green Belt outside any defined settlement area and within the Area of Outstanding Natural Beauty. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 144 of the NPPF (February 2019) states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Some forms of development are not considered inappropriate in the Green Belt. Those forms of development that are considered inappropriate should only be permitted if Very Special Circumstances can be demonstrated and if they are sufficient to outweigh the harm to the Green Belt.

The site lies in an Area of Great Landscape Value and Area of Outstanding natural Beauty; the NPPF, paragraph 172 states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty'.

Locally, policy CS13 states that 'all new development must respect and where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. The Surrey Hills Area of Outstanding Natural Beauty (AONB) is one of national significance, and as such, the conservation of the natural beauty of the landscape would be a priority in this area'.

Core Strategy Policy CS14 seeks to ensure that new development respects and enhances the character of the area through high quality design.

Core Strategy Policy CS20 seeks to ensure that new development reduce the risk of flooding.

Local Plan Policy ENV22 sets out the general development control criteria against which applications will be assessed. It seeks to ensure that new development is appropriate in terms of its scale, form and massing and respects the character and appearance of the locality.

Local Plan Policy ENV23 sets out that new development will normally be permitted where it respects its setting taking account of the scale, character, bulk, proportions and materials of the surrounding built environment and public views warranting protection.

Local Plan Policy RUD7 sets out that extensions to dwellings will normally be permitted provided they would not result in a disproportionate addition over and above the size of the original dwelling.

7.1 Whether the proposal would be inappropriate development in the Green Belt.

The essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 of the NPPF states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The first "test" therefore is to consider whether or not the proposal amounts to "inappropriate development". A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are a number of exceptions to this including:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; Extensions and alterations to buildings can therefore be considered not inappropriate provided that they are not disproportionate in relation to the original property.

It is acknowledged that the NPPF does not define how a disproportionate addition should be measured and a judgement as to what would constitute disproportionate needs to be made.

Numerically any floor space increase is one method which gives an indication of the size of the proposal. However, a scheme can be considered disproportionate as a result of the design, not just as a result of a numerical calculation.

It is acknowledged that there two previous refused applications on this site. The previous side extension would have created an elongating extension off the western elevation. This application was dismissed at appeal as it represented a disproportionate addition over and above the original building, resulting in an increase of 45%, there was further harm to the openness of the Green Belt.

The other refused application was for an extension to existing barn along with its conversion, located to the east of the site. This application was dismissed at appeal as the Inspector considered that it created an additional dwelling which would be harmful to the surrounding area especially with additional domestic paraphernalia.

Although, a triple garage was permitted it was not attached to the building. The application property itself has not previously been extended and therefore the current dwelling is as it stood in 1968. It has been calculated that the floor space of the original dwelling is approximately 160sqm.

Extension

The proposed extension is sited to the rear of the dwelling and has a depth of approximately 4 metres. It is considered modest in size and would add approximately 25sqm of additional floorspace which amounts to approximately 16% increase. This increase in floorspace is considered acceptable when compared to the original dwelling. The extension is considered to harmonise with the existing dwelling, by using materials to match including a thatched roof. It is also noted that this compares favourably with the previously dismissed appeal which related to a 45% increase.

Decking

The decking would be sited to western (side) and southern (rear) side of the dwellinghouse. The decking will extend off the rear extension and would have an overall projection of approximately 5 metres. The side decking would extend off the side elevation and has a width of approximately 4.5 metres and depth of 2.6 metres. The decking is at ground level and has a height of approximately 0.3 metre. The decking would include a timber balustrade which is considered acceptable because when weathered it will assimilate more easily into the wooded surrounding.

It is therefore considered that the proposed extension and decking would not create a disproportionate addition over and above the original dwelling and would therefore comply with point three of the Framework. As such the proposed development is not inappropriate development within the Green Belt and therefore no further justification by way of Very Special Circumstances is required.

Gates

Certain other forms of development are not considered to be inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. However, gates and fences do not fall into any of the exceptions introduced by the NPPF and must therefore be considered to be “inappropriate”.

Fall-back position

Legal advice had been sought with regards to whether Rookery Drive was considered to be a highway. Based on the advice given the roadway to the north of the property (Rookery Drive) is not regarded as a highway. The proposed gates are 2m in height. If they had been two metres high they would not have required planning permission and this represents a viable fall-back position which is given significant weight in this case.

The proposed extension and decking is not considered to be visually harmful to the Green Belt as it harmonises satisfactorily with its surroundings.

Openness of the Green Belt

The fundamental aim of Green Belt policy, set out in paragraph 133 of the NPPF, is to prevent open sprawl by keeping land permanently open.

Openness is an essential characteristic of the Green Belt. The decking is level with the existing ground level, to which it is sited on and it is not considered that this would have a detrimental impact on the openness of the Green Belt. There would inevitably be some loss of openness as a result of the extension and the open timber balustrade. However, it is considered that the effect on the openness would be limited and would not cause a significant harm to the openness of Green Belt.

7.2. Impact on the character of the area including the Area of Outstanding Natural Beauty

The appropriate consideration in this regard is whether the proposals would conserve and enhance the landscape and scenic beauty of the AONB in accordance with NPPF paragraph 172 and Mole Valley Core Strategy policy CS13

The Surrey Hills AONB Management Plan 2014-2019 has been formally adopted by all the constituent planning authorities and the Surrey Hills AONB Board following public consultation. It is therefore a material planning consideration. The following policies are relevant to the determination of the application.

Policy LU1 – In balancing different planning considerations with determining planning applications and development plan allocations, great weight will be attached to any adverse impact that a development proposal would have on the amenity, landscape and scenic beauty of the AONB.

Policy LU2 – Development will respect the special landscape character of the locality giving particular attention to potential impacts on ridgelines, public views, tranquillity and light pollution. The proposed use and colour of external materials will be strictly controlled to avoid buildings being conspicuous in the landscape.

Policy LU3 – Development proposals will be required to be of high quality design, respecting local distinctiveness and be complimentary in form setting and scale with their surroundings and should take any opportunities to enhance their setting.

There are two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB, and secondly, if it does conserve the AONB, does it result in enhancement.

The rear of the property and decking can only be viewed fully within the site, this is due to the site being characterised by mature vegetation along boundaries, the rear extension and decking is only slightly visible from some public view points. The extension is considered modest in size with the decking being at ground level with a timber balustrade.

The Surrey Hills Officer raised concern with the rear decking and the prominent tables and chairs, but the main concern was relating to the gates which as stated above do not require planning permission. It is noted that the tables and chairs were already used on the previous patio area and such use does not require planning permission in any event.

The extension has been carried out with materials to match to the existing dwelling. The decking is at ground level and with a timber balustrade which when weathered will assimilate more easily into the wooded surrounding, it is considered that the proposal does not cause detriment to the surrounding AONB and would therefore conserve it. By removing permitted development rights for any other form of extensions including roof alterations, this would give the Council opportunity to limit any future development thereby enhancing the AONB.

It is therefore considered that the development is not conflict with the National Planning Policy guidance and the Surrey Hills Management Plan.

7.3. Impact on the amenity of neighbouring properties

The dwelling is situated in a sparsely populated rural area and there are no close neighbouring properties that would be impacted by the proposal in terms of overlooking, privacy or noise.

7.4. Other considerations

Effect of the Listed Building

The HEO is of the opinion that the proposed 'decking' to the side elevation of Mill House is unlikely to have a negative impact on the setting of the C 18th listed building (Springs) across the track to the north of Mill House. This is based on the separation distance, intervening vegetation and boundary treatments which, together, are likely restrict inter-visibility between the two buildings.

Although, boundary treatments cannot be relied upon to mitigate an otherwise unacceptable development, the HEO is not convinced that the decking would result in harm to the setting if it were visible in any case, given the waterside nature of the Mill building and its separation distance from the listed building.

Biodiversity

Opportunities do exist to offset the impacts of developing the site, through the creation and enhancement of new and existing habitats for example, bat roosting and bird nesting potential can be created through the installation of permanent roosting/nesting features. An informative would be placed on any permission advising of enhancements for biodiversity.

Flooding

Paragraph 156 of the NPPF states that local planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies such as lead local flood authorities and internal drainage boards.

In accordance with the guidance this type of development would be considered as minor extension. The Environment Agency has the following standing advice for minor extensions within flood zone 3.

- Make sure the floor levels are either no lower than existing floor levels or 300 millimeters (mm) above the estimated flood level.
- How will the development reduce flood risk.

The extension and decking are approximately 500mm above the level of the lake and the floor level of the extension is no lower than the existing floor levels of the property.

The flood documents provided with the application state that the level of the lake is controlled by two overflows to the right of the property. In the event of heavy rain the overflow will be opened to prevent flooding.

Therefore, it is considered that the proposed development would not be inappropriate development within the Flood Zone.

Conclusion

It is considered that the proposed development is not inappropriate development within the Green Belt. Furthermore, it is not considered to cause a significant detrimental impact to the character of the area including the Area of Outstanding Natural Beauty and is therefore not contrary to Local Policies. Accordingly, approval is recommended.

8. Recommendation

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

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 DP101 and DP103 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. 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, C or D 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

4. 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 ENV3 and policy CS13 of the Mole Valley Core Strategy.

Informatives

1. The development is likely to offer some opportunities to restore or enhance biodiversity; such measures are in line with the NPPF, will assist the Local Authority in meeting their duty under the Natural Environment and Rural Communities (NERC) Act 2006 and also help offset any localised harm to biodiversity caused by the development process. Guidance on suitable measures can be found on Surrey Wildlife Trusts website.