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Planning Department

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23 June 2021

Dear Sirs

MO/2019/0159, 2 Milton Street, Westcott

I refer to the application above and write in my capacity as the lead for planning matters for Westcott Village Association (WVA).

You may be aware that the WVA occasionally makes representations on behalf of the Westcott community, usually with a focus on the Westcott Neighbourhood Development Plan (WNDP).

On this occasion WVA is focussing its attention on potentially inappropriate development in the Milton Street Conservation Area, Green Belt, Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

The Milton Street Conservation Area has no less than ten listed buildings within it and there are a greater number of listed dwellings when one considers the sub-division of these listed buildings.

It has been brought to the attention of the WVA by concerned Westcott residents that, following the Planning Inspector allowing MO/2019/0909 on appeal, MO/2019/0159 is now back under consideration. We are concerned that WVA was not alerted to this situation by MVDC and we write to **strongly object**. WVA is particularly concerned by the proposed scale, form and massing of the proposed "Phase 2" extension.

There are also parallels with WVA's recent objections to MO2020/1269 (Little Acre) and MO/2021/0424 (Tree House at the Old Observatory) which are both in close proximity to 2 Milton Street.

We ask MVDC to review its planning history for 2 Milton Street, specifically the guarded concerns expressed by its Conservation Officer and Surrey Hills AONB Officer in respect of MO/2015/0124 below before this application was consented to:-

On first sight the proposal would not entail the introduction of any new buildings. It is stated in the application that parking would be provided for the existing and new house. No garaging is proposed. However, just as part of the subject building was permitted in an area where development is strictly controlled, so the same argument would be promoted if this application is permitted, for a building or buildings for the garaging of about 4 cars to serve both houses. It would be unreasonable for the Planning Authority to refuse permission for garaging. Consequently, if the Council is not against the principle of converting the building, the application should be withdrawn for a fresh application to include the garaging. It would not be a valid argument that the applicants do not intend to have any garaging. They may subsequently change their minds or almost certainly a subsequent owner would require garaging. As the application currently stands it is incomplete for me, and I would suggest, the Planning Authority to give the proposal proper consideration. I am concerned that the effect of allowing the proposed conversion would be the introduction of yet further buildings in the AONB that would not conserve its



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landscape and scenic beauty. Also, without seeing their proposed location, scale and design of the garaging I do not know whether they would respect the character and distinctiveness of the local landscape character. It would be difficult to argue that under Policy CS13 the garaging would enhance that character and distinctiveness.

I do not consider that as an existing building there is an AONB concern relating to its conversion to residential purposes. The design seems appropriate to its landscape setting but the Conservation Area advice may be different. If the application is permitted, a planning condition should be imposed to remove permitted development rights to extend the house and for ancillary buildings within the curtilage. The latter is necessary not only to control the introduction of ancillary buildings but also garaging of a height allowed under permitted development.

Clive Smith
Surrey Hills AONB Planning Adviser
19th February 2015

TO: DEVELOPMENT CONTROL

**FROM: PETER MILLS, HISTORIC
ENVIRONMENT OFFICER**

Officer : D. Spring **Application No:** MO/2015/0124/PLA

Date Consultation Received: 13/2/15

21 Day Response Deadline: 6/3/15

Address: 2 Milton Street, Westcott

Proposal: Convert garage to dwelling

Grade: I II* II UNLISTED ADJ. CURT. **Conservation Area:** YES NO ADJ.

I HAVE THE FOLLOWING OBSERVATIONS TO MAKE:

I have thought long and hard about this proposal and the potential impact it may have on the very attractive character of the Milton Street Conservation Area heritage asset, the character of which we are charged with ensuring is 'preserved or enhanced' (1990 Act).

On balance, I am prepared to say that I do not think that the conversion of this modern building will be harmful to the heritage asset. It will not change the very pleasing grouping of cottages interspersed along Milton Street, with generous green gaps between them. The building is set a good distance back from the road and the suggested scheme for conversion seems to be simple, so retaining the feel of a 'vernacular' outbuilding, rather than a little house. The main house (No.2) and the converted outbuilding will still enjoy a generous amount of space around them as residential curtilages.

The biggest issue, and the one that has concerned me the most, is that by
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The current proposal will create a new area of gravelled surface for parking. However, it will be screened by the mature hedge and the trade-off will be that the existing gravel drive leading to the house will be returned to grass lawn. Can this be conditioned to take place before the occupation of the converted garage?

If approval is granted, other conditions should include sample materials, joinery details, rainwater goods and ventilation details (including meter boxes). All PD rights to further alter the exterior and build ancillary garden structures should be removed.

Signed: Peter Mills, Historic Environment Officer

Date: 24th February 2015

MO/2019/0159 is the next step in a long planning history which appears to be an incremental desire by the applicant to secure a large second dwelling by stealth in a location where planning policy would not normally permit. The sequence of events, as we understand it, is as follows:-

1. MO/97/1160 - Erection of triple garage, two stables and store. The subject building was consented in January 1998 and was subsequently built.

2. MO/2014/1681 - Certificate of Lawfulness for a proposed development in respect of the erection of a storage shed. To us this looks like a new double garage which was proposed to be adjacent to the main house. Consented and, we understand, built in a different location to that proposed.
3. MO/2015/0124 was for "Change of use and conversion of existing stables/garage into 1 No. dwelling with associated landscaping, parking and access". The building had already been built and MO/2015/0124 received Officer recommendation to approve but with rigorous conditions to control further development. Conditions 5 and 6 in the Decision are relevant:-
 5. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (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].
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, glazed openings, or roof lights other than those expressly authorised by this permission shall be constructed.

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. I understand that there was then some debate whether 2015/0124 had been implemented within 3 years, so MO/2019/0909 was submitted for "Certificate of Lawfulness for an existing development in respect of the commencement of works permitted under MO/2015/0124 for change of use and conversion of existing stables/garage into 1 No. dwelling with associated landscaping, parking and access". This was refused by MVDC due to lack of evidence that works had commenced within 3 years but the application was then allowed on appeal by the Planning Inspector.
5. MO/2019/0159 was also submitted in tandem in 2019 to "Erect single storey rear extension, front extension and side infill extension below eaves, also relocate one dormer window and install French doors at rear". But this also proposed an extension of the MO/2015/0124 permission to a 4 bedroom house using similar drawings to those for MO/2020/0909 but Ref PL01.
6. Also submitted was MO/2020/0909 Certificate of Lawfulness for an existing development in respect of the implementation of works permitted under MO/2015/0124 for change of use and conversion of existing stables/garage

into 1 No. dwelling with associated landscaping, parking and access. Due to the significant planning activity associated with this property and a continued focus by the applicant to demonstrate that the MO/2015/0124 had been implemented, WVA and the community did not pick up that the application had surreptitiously included a "Phase 2" floor plan Ref WD 02. This increased the scale and massing and made the application for an extension of the MO/2015/0124 consent to an attempt to secure a 4 bedroom house under a Certificate of Lawfulness.

Notwithstanding this, MO/2020/0909 was refused by MVDC on the grounds that *"The Local Planning Authority is not satisfied that, based on the evidence submitted and on the balance of probabilities, the works approved under MO/2015/0124 have been implemented"*.

Importantly, the Officer's report also noted *"that various plans have been provided as evidence within this application, namely but not limited to, plans labelled phase 1 and phase 2"*. However, none of these plans form part of MO/2015/0124".

We understand the current position is that, despite the Inspector allowing MO/2019/0909 on appeal, the applicant has not commenced substantial work and is, we understand, once again pursuing MO/2019/0159 for the 4 bed house before doing so. This seems to be the ultimate and inappropriate objective.

As MO/2019/0159 is now under consideration by MVDC, WVA is submitting this letter of objection in full support of the concerns originally expressed by the Surrey Hills AONB Officer and MVDC Conservation Officer in 2015 and captured in the 2015 MVDC Decision.

We urge MVDC to refuse permission for this application.

Yours sincerely,

James Leaver

Planning Lead, Westcott Village Association