
Appeal Decisions

Site visit made on 25 October 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd November 2016

Appeal A Ref: APP/M3645/W/16/3154632

West Lodge, Westerham Road, Limpsfield, Surrey RH8 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Burridge against the decision of Tandridge District Council.
 - The application Ref TA/2015/1437, dated 3 August 2015 was refused by notice dated 5 February 2016.
 - The development proposed is a new dwelling in land to east of West Lodge including associated external works (Plot A).
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Appeal B Ref: APP/M3645/W/16/3154634

West Lodge, Westerham Road, Limpsfield, Surrey RH8 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Burridge against the decision of Tandridge District Council.
 - The application Ref TA/2015/1436, dated 3 August 2015, was refused by notice dated 5 February 2016.
 - The development proposed is a new dwelling in land to east of West Lodge including associated external works.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matter

2. As set out above, there are two appeals for single dwellings on sites adjoining West Lodge. The proposed dwellings would share the same access. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

3. The main issues are:
 - the effects of the proposals on the character and appearance of the area;
 - whether the proposals would make satisfactory contributions to minimising carbon dioxide emissions;
 - whether the proposal would provide adequate living conditions for future occupiers with particular regard to the provision of external space (Appeal B only).
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Reasons

Character and Appearance

4. West Lodge is a detached two storey dwelling siting in a generous, well planted plot with a frontage onto Westerham Road. It is, therefore, typical of the properties on the north side of the road. Those on the south side of the road occupy, if anything, larger plots. As such, this section of Westerham Road has a verdant appearance where the loosely spaced buildings are dominated by landscaping. Whilst some of the properties accessed from Padbrook to the north and west are more tightly grouped, those immediately adjoining the appeal sites sit within a more open, landscaped setting.
5. The proposals would include alterations and the extension of the existing drive in order to serve the two dwellings. The drive would be increased in width at its junction with Westerham Road, widened considerably in front of plot A and extended into a currently undeveloped part of the site in order to serve plot B. It would, therefore, increase the prominence of hardsurfacing at plot A and have a significantly urbanising effect on plot B.
6. The house proposed on plot A would be set back slightly from West Lodge and the road frontage. However, it would follow a similar orientation and there would a distance of only 5m between the buildings, with a parking space and retaining wall within this space. The closeness of this relationship would be at odds with the locally distinctive looser spacing of the surrounding development.
7. The house on plot B would be located towards the back of the site and would generally align with 36a and 36b Padbrook, albeit with a space of some 15m between the buildings. Of itself, therefore, its spacing would be in keeping with nearby properties. However, the proposal would create a relatively confined plot size without a direct frontage onto Westerham Road. It would not, therefore, be in keeping with the more generous plot sizes and frontage development which characterise this section of Westerham Road.
8. Both proposals would also result in the sub-division of the West Lodge plot with new boundary enclosures as well as the introduction of new built development. The consequent tightening of the pattern of development would be incompatible with the larger plots and dominant landscaping which typify the area.
9. I recognise that there are limited views to both sites from Westerham Road and that the proposed buildings would be at a lower level than the road. However, my concern is primarily with the character of the area and, in any event, public views of the developments would be available from the vicinity of the proposed access and in private views from nearby dwellings.
10. Consequently, I find that both proposals would have a harmful effect on the character and appearance of the area. As such, they would conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 (CS) and Policies DP7 and DP8 of the Tandridge Local Plan Detailed Policies 2014 (LP). Together, these policies require the development of garden land to respect the character of the area, including features which contribute to local distinctiveness, and to avoid the inappropriate sub-division of existing curtilages to a size below that prevailing in the area. Nor would the proposals accord with paragraph 60 of

the National Planning Policy Framework (the Framework) insofar as it requires development to promote or reinforce local distinctiveness.

Carbon Emissions

11. Policy CSP14 of the CS requires residential developments of up to nine dwellings to achieve a 10% saving in carbon emissions compared to Building Regulation requirements through the use of renewable energy technologies. The submitted Planning Application and Town Planning Statements advise that the proposals will meet this requirement and that the details could be secure by condition. Whilst the application drawings provide no details of renewable energy measures, the appeal statement indicates that air or ground source heat pumps or solar panels could be used and suggests a condition to secure their provision.
12. The Council is concerned that certain forms of renewable energy generation can alter the appearance of development and that the vegetation around the appeal sites may affect the performance of solar photovoltaic panels. However, the sites are not within or adjoining a visually sensitive heritage asset or area of landscape protection. Moreover, land within the appellant's ownership is available to potentially derive renewable energy from sources other than solar panels. Consequently, I consider that, in this instance, the requirements of CS Policy CSP14 could be secured through the use of an appropriately worded condition without triggering the concerns expressed by the Council.

Living Conditions (Appeal B only)

13. A four bedroom house suitable for a household with children is proposed on plot B. The private external area to the rear of this plot would be less than 9m long and the canopy of a large oak tree would overhang part of the area. At its closest, the tree would be around 6m from the rear wall of the house. The external area would also be north-east facing and located on rising ground with the need to construct a retaining wall adjoining the proposed dwelling. The rear external area would, therefore, be limited in depth and unduly enclosed by existing and proposed features and planting. This would constrain its use for sitting out, play, clothes drying and the like.
14. The appellant refers to other areas within the blue line boundary on the application plan. However, those areas are not proposed for residential development and application plan 944/100 shows fencing around plot B which appears to equate to the application red line boundary. On this basis, the other areas referred to by the appellant would not be available as private external space for the future occupiers of plot B.
15. Accordingly, I consider that the amount and quality of external space proposed would not be appropriate for the needs of future occupiers of the house and would be to the detriment of their living conditions. As such, the proposal would conflict with LP Policy DP7 to the extent that it requires new development to provide a garden area proportionate to the size the residential use and appropriate for intended occupiers.

Planning Balance and Conclusion

16. Framework paragraphs 7 and 8 require the social, economic and environmental roles of sustainability to be considered together.

17. The appellant argues that the proposals would contribute to the supply of housing in the District and Framework paragraphs 17 and 47 seek to boost the supply of housing. The provision of the new dwellings would make a very limited contribution to the supply of housing in the area and, therefore, to the economic and social roles of sustainability. This consideration weighs in favour of the proposals to an accordingly limited degree. I have found that the proposals could minimise carbon emissions and this would also contribute to the environmental dimension of sustainability.
18. However, I have concluded that the development would be harmful to the character and appearance of the area and, in respect of Appeal B, to the living conditions of future occupiers. In these respects, the proposal would have demonstrably negative effects on the environmental and social roles of sustainability. Overall therefore, I find that the proposals would not be sustainable and do not benefit from the presumption in favour of sustainable development.
19. For the reasons set out above, both appeals should be dismissed.

Simon Warder

INSPECTOR