The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/M3645/W/16/3154957
Little Coppice, 5 Sylvan Close, Limpsfield RH8 0DX

- 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 Matthew Stevens, Country House Developments Ltd against the decision of Tandridge District Council.
- The application Ref TA/2016/531, dated 30 March 2016, was refused by notice dated 6 June 2016.
- The development proposed is the construction of a new detached home, garage and crossover to the highway.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new detached home, garage and crossover to the highway at Little Coppice, 5 Sylvan Close, Limpsfield RH8 0DX in accordance with the terms of the application, Ref TA/2016/531, dated 30 March 2016, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:

   - the character and setting of the area;
   - the living conditions of the occupiers of 5 Sylvan Close, with particular regard to privacy and outlook;
   - protected species;

   and whether it would,

   - provide acceptable living conditions for future occupiers in terms of private amenity space; and,
   - provide adequate off-street parking, vehicle manoeuvring, and access.

Reasons

Character of the area

3. The Council does not object to the sub-division of the plot, the plot size, its frontage width, or the orientation of the proposed house inside it. Nor does it consider the density of development, the 2-storey nature of the proposal, or its detached nature to be out of place. It does, however, object to the mass, scale

and height of the proposal, considering that it would appear cramped and overdeveloped and thereby harmful to the character and setting of the area.

4. I acknowledge that the proposed house would have a footprint larger than No 5; however it would not appear disproportionately greater than the houses in Sylvan Close and those to its east. I note that its ridge would be higher than the ridge of No 5. However, when taking into account the significantly lower level of the site in relation to the road, and the higher level of Sylvan Close, including No 5, it would not appear intrusive in its setting or so large that it would be out of character with the scale established by the houses in the area.

5. I appreciate that the combination of the house and the garage would present a strong built form towards the road. However, the garage would have a compact footprint and would be detached from the house. Both buildings would be set well off from the boundaries of the plot and at a level significantly below the A25 road. The proposal includes a scheme of planting between the buildings and the road. On this basis, the frontage would not appear dominated by buildings, cramped or over-developed.

6. There would thus be no harm to the character and setting of the area, and no conflict with Policy CSP18 of the Core Strategy 2008 (CS) and Policies DP7 and DP8 of the Local Plan Part 2: Detailed Policies 2014-2029. These require development to, among other things, reflect and respect the setting and local context, to reinforce local distinctiveness and landscape character, and to maintain the character of the area.

Living conditions of the occupiers of 5 Sylvan Close

7. The Council concludes that the proposed house would be overbearing in the outlook from the existing house on the plot and that its first floor windows would overlook into the back garden of the existing house.

8. The rear walls of the existing and proposed houses would be separated by around 45m, and the level of the terrace of the existing house would be substantially higher than that of the proposed house. Given these horizontal and vertical distances, together with the 2-storey scale of the proposed house, its hipped roof, and its scale relative to the plot width, it would not be overbearing in the outlook of the occupiers of the No 5.

9. I note that the proposed house would be sited to the south-west of the existing. However, given the length of the garden of the existing house and its substantial distance from the proposed, it would not be overshadowed by the proposal to a harmful degree.

10. The back garden of the existing house rises significantly away from the site of the proposed house. This would provide a limited degree of overlooking into the back garden of the existing house from the back bedrooms of the proposal. I appreciate that the proposed house would be around 10m from the fence enclosing the back garden of the existing house, however, much of the available view would be screened by trees and shrubs and the outbuilding in the garden of the existing house. Given these factors and the substantial depth of the garden to be retained for the existing house, the proposal would not overlook the garden of the existing house to a significantly harmful degree.

11. I conclude on this issue that the living conditions of the occupiers of 5 Sylvan Close, with particular regard to privacy and outlook would not be materially

harmed by the proposed development. It would not conflict with CS Policy CSP18 and LPP2 Policy DP7 which require development not to significantly harm the amenities of the occupiers of neighbouring properties and to provide a satisfactory environment for the occupiers of both existing and new development.

Protected species

12. Circular 06/2005[1] states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development is established before planning permission is granted. The Council is concerned that Great Crested Newts may pass through the site, to a nearby pond. It concludes that the extent of the potential impact on protected species has not been demonstrated and that further surveys are required.

13. The appellant's preliminary ecological appraisal identified no protected species on-site. It concluded it was highly unlikely that Great Crested Newts would be present, other than occasionally commuting from one pond to another, but that the site offered potential for a small number of common species of reptile. The subsequent reptile surveys confirmed that there are no reptiles on the site. While there is a pond to the south, it is separated from the appeal site by the A25 road, which acts as a significant barrier to the movement of Great Crested Newts. The pond to the west, in Padbrook, is much closer to the site. However, the appellant's environmental DNA analysis of it confirms that it does not contain Great Crested Newts. Accordingly, on the basis of the evidence before me, I am satisfied that the proposal would not harm Great Crested Newts, or other protected species.

14. The proposal would not conflict with CS Policy CSP17 and LLP2 Policy DP19 which say that development should protect biodiversity and that planning permission will be given only where it can be demonstrated that protected or priority species will not be harmed, or mitigation provided. The proposal would accord with the principle of conserving and enhancing the natural environment as set out in the National Planning Policy Framework (Framework).

Living conditions of future occupiers

15. The Council consider that the depth of the back garden of the proposal would be disproportionate to the number of bedrooms in the house, and that the shading by mature trees over the western part of the garden would reduce its amenity. In addition, it considers that the outlook, particularly as a result of the presence of the outbuilding in the back garden of the donor house, would be unsatisfactory.

16. I appreciate that the back garden of the proposal would be shorter than those behind the houses on Sylvan Close. However, the back and side garden area would be almost four times the footprint of the proposed house; this would be sufficient for the number of future occupiers. I note the mature trees on the western boundary, which may reduce the amount of west light received into the garden, but consider overall that their presence would considerably enhance the amenity of the garden rather than detract from it. I have taken into account the neighbouring outbuilding, close to the rear boundary fence of the proposal. However, its appearance is little different to outbuildings

[1] Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

commonly found in back gardens, and its length and height are relatively modest. It would not therefore reduce the outlook from the garden or from the house of the proposal to a materially harmful degree.

17. In this respect, the proposal would not conflict with LPP2 Policy DP7 which requires development to provide a satisfactory environment for the occupiers of both existing and new development

Off-street parking, vehicle manoeuvring, and access

18. The Council concludes that the amount of off-street car parking would be insufficient and that parked cars could not safely manoeuvre onto the public highway. It describes how according to the guidance in its Parking Standards Supplementary Planning Document 2012 (SPD), the proposal ought to provide space to park four cars. This standard is based on three spaces being allocated and a fourth space being unallocated and shared between four dwellings.

19. It considers that the proposed garage would only accommodate one car rather than two, and that sufficient parking could not be provided without restricting the manoeuvring of cars to leave the site safely in forward gear onto the A25 road. Thus there would be a shortfall of parking space, and an adverse risk to highway safety.

20. While I have not been provided with a copy of the SPD, this proposal relates to a single dwelling rather than a development of up to four. Consequently, it is reasonable that the demand for a fourth space would be proportionately less in this case.

21. I appreciate that the Council has taken into account the size of modern cars, and that many garages are also used for general storage as well as for parking, and that it has set out dimensions for garages relating to these changes. Notwithstanding this, while the proposed garage may fall short of the guideline dimensions set out in the SPD, the proposal would provide a substantial area for storage above the car area. The site layout would provide sufficient flexibility to allow a larger car to be parked externally, should it not fit within the garage alongside another car. In these circumstances, I find there would be sufficient space to provide three parking spaces. This would be sufficient for the needs of the occupiers of the proposed house.

22. Accordingly, I conclude that there would be sufficient space to manoeuvre cars onto the highway in forward gear. I note that the highway authority raises no objections to the proposal. I therefore conclude on this issue that the proposed development would make adequate provision for off-street parking, vehicle manoeuvring, and safe access to and from the A25 road. There would be no conflict with CS Policy CSP12 and LPP2 Policy DP7 which require proposals to have regard to highway design standards and the Council's parking standards.

Conditions

23. The Council suggested a number of conditions to ensure that the development would be acceptable in the event that the appeal was allowed, which I have considered and modified in the light of the tests set out in Paragraph 206 of the Framework and the advice of the Planning Practice Guidance. In addition to the statutory time condition, it is necessary for certainty to include a drawing references condition. To safeguard the character and appearance of the surrounding area it is necessary to require details of the external materials to

be approved, however this need only be before the relevant section of work has been begun.

24. The Council suggests a condition requiring the submission of details of the proposed renewable energy measures to achieve the reduction in carbon dioxide emissions as required by CS Policy CSP14. However, the appellant's Environmental Policy Statement sets out in detail how the measures to achieve the requisite carbon dioxide saving would be provided. I have therefore applied a condition to secure their implementation.

25. The Council suggests that the future enlargement of the house and the erection of outbuildings should be restricted by removing permitted development rights, in the interests of the character of the area. However, given my findings above regarding character, and noting that the Planning Practice Guidance advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I consider such a condition unnecessary and unreasonable. Neither, given the detailed surveys already undertaken and their conclusive findings, is a condition for a Great Crested Newt survey justified.

26. However, conditions to secure the parking and turning areas within the site and the access road with sufficient width for cars to pass is necessary given the volume of traffic and its speed on the A25. Similarly, conditions for visibility splays and the modified requirements of a construction transport management plan are reasonable in the circumstances, and necessary to make the development acceptable.

Conclusion

27. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:501/DJ/001 SITE PLANS; 501/DJ/002 EXISTING SITE TOPOGRAPHICAL SURVEY; 501/DJ/003/B COLOUR SITE PLAN; 501/DJ/004/A MONOCHROME SITE PLAN; 501/DJ/005/A PROPOSED LANDSCAPE SITE PLAN; 501/DJ/006 SITE ACCESS PLAN; 501/DJ/007 PROPOSED PLANS & ELEVATIONS; 501/DJ/008 PROPOSED GARAGE PLANS; 501/DJ/009/A SITE FOUNDATION PLAN; 501/DJ/010/A STREET SCENE DRAWINGS AND CROSS SECTION DRAWING; SC/TSP/1042-01-A TREE SURVEY PLAN; SC/TPP/1042-03 TREE PROTECTION PLAN.

3) Prior to the commencement of development, a Construction Transport Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include details of:
   a) Parking for site personnel
   b) Loading and unloading of plant and materials
   c) Programme of works including traffic management
   d) Measures to prevent the deposit of materials on the highway

   The plan shall be implemented during the construction of the development.

4) Prior to the construction of the dwelling hereby approved, the proposed vehicle access to Westerham Road shall have been constructed with a minimum width of 4.1m and shall be provided with visibility zones in accordance with drawing 501/DJ/006 SITE ACCESS PLAN. The visibility zones shall be kept clear of any obstruction measured from 0.6m above the road surface.

5) Each section of construction work shall not be begun until details of all the relevant external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

6) Prior to the occupation of the dwelling, the measures to provide a reduction in carbon dioxide emissions by 10% or more over the Standard Assessment Procedure notional building, as detailed in the Environmental Policy Statement by Messrs Earth, Wind and Power dated 1 March 2016, shall be implemented in accordance with the approved details and retained thereafter.

7) Prior to the occupation of the dwelling hereby approved, a pedestrian inter-visibility splay measuring 2m by 2m shall have been provided on each side of the access to Westerham Road from the development, the depth being measured from the back of the footway (or verge) and the width outwards from the edges of the access. The visibility splays shall be kept clear of any obstruction measured from 0.6m above the road surface.

8) Prior to the occupation of the dwelling, the garage and areas of hardstanding shall have been laid out within the site in accordance with drawing no. 501/DJ/004/A MONOCHROME SITE PLAN for cars to be parked and to turn so that they may enter and leave the site in forward gear. The garage, parking and turning areas shall thereafter be kept available at all times for the parking of vehicles and for turning.

End of Schedule of Conditions