
Appeal Decision

Site visit made on 7 February 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 3 March 2017

Appeal Ref: APP/M3645/W/16/3161866

Land to the rear of 377 Limpsfield Road, Warlingham CR6 9HA

- 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 Danny Jones against the decision of Tandridge District Council.
 - The application Ref TA/2016/1099, dated 16 June 2016, was refused by notice dated 29 September 2016.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached dwelling at Land to the rear of 377 Limpsfield Road, Warlingham CR6 9HA in accordance with the terms of the application, Ref TA/2016/1099, dated 16 June 2016, subject to the attached schedule of conditions.

Preliminary matter

2. I have used the description of the proposed development which appears on the Council's decision notice as this provides a clearer description than that which appears on the application form.
3. The Council's decision notice makes reference to plan 3347. However, the Council has subsequently confirmed that it was plan 3347 Rev A that was considered as part of the planning application process. I have determined the appeal on this basis.

Main issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of 7 Spears Close with particular regard to outlook;
 - Whether the proposal would provide adequate living conditions for any future occupiers of the proposed dwelling with particular regard to privacy;
 - Whether the proposal would provide adequate refuse and recycling facilities; and
 - Whether the proposal would provide an adequate level of off-street parking.
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Reasons

Character and appearance

5. The appeal site comprises an irregular shaped plot of land to the rear of 375 to 385 Limpsfield Road, part of which includes an element of the rear garden of No 377, a two storey semi-detached dwelling. It is predominantly laid to lawn though contains some single storey garage structures. Access to the appeal site is gained via a shared access road which provides entry from Limpsfield Road to a number of commercial buildings, a recent residential development of 7 two storey terraced dwellings along Spears Close and a public short stay car park. The appeal site lies a short distance from Warlingham Village centre which comprises a number of commercial units, some with flats above, set around a central open space. The area is therefore characterised by a mix of residential and commercial development. In addition, it displays a mixed development pattern, including buildings fronting main highways within regular shaped plots and buildings within backland areas within irregular shaped plots.
6. The proposal would introduce a two storey detached dwelling, of a traditional appearance, onto the appeal site. As such, it would broadly reflect the height and scale of other dwellings in the locality. Whilst it would subdivide the rear garden of No 377, the remaining garden area and overall plot size of this property would reflect that of its neighbouring dwellings along Limpsfield Road. Moreover, the siting of the proposal would be within an area where backland development is already well established. Moreover, it would maintain a generous separation distance from surrounding built form and would not therefore appear cramped within this context. Consequently, it would reflect the character, pattern and rhythm of development in the area and, as a result, no harm would arise to the character and appearance of the area.
7. The Council makes reference to a previously refused scheme¹ for a bungalow on the appeal site dating back to 1998. However, the residential development along Spears Close has been built since the time of the refused scheme. As such, it is likely that the character and appearance of the area has significantly altered as a result. Thus, I do not consider that the circumstances surrounding the previously refused scheme can be reasonably compared to the circumstances of this appeal. As such, I afford limited weight to the planning history of the appeal site and it does not justify a dismissal of the appeal in this instance.
8. I therefore conclude that the proposal would not result in harm to the character and appearance of the area and would comply with Policy CSP18- Character and Design, of the Tandridge District Core Strategy 2008; and Policy DP7- General Policy for New Development, of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan). These policies require, amongst other things, development to integrate effectively with its surroundings, to reinforce local distinctiveness and character and to reflect and respect character, setting and local context. These policies are broadly consistent with the aims and objectives of the National Planning Policy Framework (the Framework) which require planning to take account of the different roles and character of different area.

¹ Council Ref 98/813

Living conditions in respect of the occupiers of 7 Spears Close

9. Policy DP7, of the Local Plan, requires that development does not significantly harm the amenities of the occupiers of neighbouring dwellings. The policy further sets out that in order to prevent any overbearing effects of development, in most circumstances, a minimum distance of 14 metres (m) will be required between principal windows of existing dwellings and the walls of new buildings.
10. 7 Spears Close and its associated rear garden back onto the appeal site. This property has a set of wide, glazed, rear bi-fold doors at ground floor level which serve a habitable room and a centrally positioned rear window at first floor level which serves a bedroom. The Council's officer's report suggests that the proposed dwelling would be sited approximately 9m from the rear elevation of No 7. However, it is clearly annotated on the submitted plans that the distance would be approximately 11.7m. This is reiterated within the appellant's statement of case. Given that the Council has not, within its appeal statement, refuted the appellant's evidence in this regard, I have no substantive reasons to consider that the appellant's measurements are inaccurate.
11. I acknowledge that a separation distance of 11.7m would still fall short of the requirements of Policy DP7, of the Local Plan, and some conflict would therefore arise with this policy. However, in this case, the proposed dwelling would be set back from the rear boundary of No 7. In addition, due to its positioning within the appeal site, it would align with only a part of the rear elevation of No 7. On this basis, whilst there would be a change in the view, I do not consider that the proposed dwelling would provide an overwhelming sense of enclosure to any rear facing doors or windows of No 7 and would not appear as an overbearing form of development for the occupiers of this property. As such, I do not consider it would have a significant harmful effect on the living conditions of the occupiers of No 7 in respect of outlook.
12. The proposal would therefore comply with Policy DP7, of the Local Plan, insofar as it requires that development does not significantly harm the amenities of the occupiers of neighbouring dwellings. It would also comply with Policy CSP18, of the Core Strategy, which reflects this requirement. These policies are, in this regard, broadly consistent with the aims and objectives of the Framework which seek to secure a good standard of amenity for all existing occupiers of land and buildings.

Living conditions in respect of any future occupiers of the proposed dwelling

13. The proposed dwelling would have no windows to any habitable rooms within its flank wall elevations. Any rear facing windows to habitable rooms at ground floor and first floor levels would not directly face any windows of surrounding properties. As such, the orientation and internal layout of the proposed dwelling would provide a good level of privacy for any future occupiers.
14. I acknowledge that there would be an opportunity for some overlooking of the rear garden of the proposed dwelling from some upper floor windows of a number of surrounding properties. However, it is unreasonable to expect total privacy, especially as a degree of overlooking is commonplace in urban areas. Moreover, the relationship between the rear garden and surrounding properties does not appear to be substantially different to the relationship between some

of the rear gardens of dwellings along Spears Close, such as No 3, and properties along Glebe Road. Furthermore, the appellant has indicated a willingness to incorporate perimeter planting, which could be secured by an appropriately worded planning condition, to reduce any effects of overlooking for any future occupiers of the proposed dwelling.

15. On this basis, I consider that the proposal would provide adequate living conditions for any future occupiers in respect of privacy. It would therefore comply with Policy DP7, of the Local Plan, which requires, amongst other things, development to provide a satisfactory environment for the occupiers of new development. This policy is broadly consistent with the aims and objectives of the Framework which seek to secure a good standard of amenity for all future occupiers of land and buildings.
16. The Council also cites conflict with Policy CSP18, of the Core Strategy, in respect of the living conditions of any future occupiers. However, this policy does not specifically relate to this matter and therefore has little relevance to this main issue.

Refuse and recycling

17. The Council raises the concern that the proposal would not provide refuse and recycling storage space appropriate to any future occupiers or to collection operatives in accordance with the Council's standards. However, this matter is not expanded on in any great detail and I do not appear to have been provided with any local standards in respect of this matter. The submitted plans indicate that an enclosed area for the storage of waste and recycling would be provided along the south-west flank wall of the proposed dwelling. As such, it would not be particularly apparent from outside of the appeal site and would be easily accessible for any future occupiers of the proposal. Moreover, according to the submitted plans, there would appear to be space within the appeal site near to the access to the proposed dwelling for any future occupiers to place any waste and recycling bins to enable their effective collection.
18. In the absence of any compelling evidence as to why this would not be appropriate, I consider that the provision of refuse and recycling storage space would be adequate and would not have any adverse impact on the streetscene or the amenities of the existing occupiers of neighbouring properties or any future occupiers of the proposed dwelling.
19. The proposal would therefore comply with Policy DP7, of the Local Plan, which requires, amongst other things, development to provide facilities for the storage and collection of refuse and recycling in a manner to avoid adverse impacts on the streetscene and the amenities of proposed and existing properties.

Off-street parking provision

20. The proposal would provide 3 off-street parking spaces. The Council acknowledges that this would meet their adopted parking standards. I have no substantive reasons to consider otherwise. It is therefore unclear why the Council considers that any future occupiers of the proposed dwelling would be required to park on surrounding roads.
21. The Council also raises the concern that the proposal would compromise the parking spaces provided for the occupiers of No 377. Nevertheless, having

regard to the Land Registry title plan for No 377, the part of the appeal site which contains garage structures is not within the curtilage of this dwelling and is under separate title. As such, there does not appear to be any dedicated off-street parking space associated with this property. The appellant also states that the occupiers of No 377 do not use these garage structures for parking, but rather use the parking bays along Limpsfield Road on the basis that it is more convenient. I also note that the Highways Authority has not raised any objections to the proposal on grounds of capacity, highway safety or access arrangements.

22. Having regard to these factors, the proposal would not result in any increase in on-street parking in the surrounding roads. As such, it would not exacerbate any existing parking congestion that may occur in the area. Furthermore, it would not result in any increased inconvenience for and would not have a harmful effect on the living conditions of the occupiers of No 377 or any future occupiers of the proposal in this regard. Nor would it contribute to any severe cumulative impacts in combination with any other similar schemes in the area.
23. The proposal would therefore comply with Policy DP7, of the Local Plan, which requires, amongst other things, development not to significantly harm the amenity of neighbouring properties by reason of traffic and to provide a satisfactory environment for the occupiers of existing and new development. It would also not conflict with the aims and objectives of the Framework which require development to be prevented on transport grounds only where the residual cumulative impacts of development are severe.

Other matters

24. I have considered the concerns of a number of interested parties, including in respect of property devaluation, pressure on local services, overshadowing and privacy. However, property devaluation is not a material planning consideration to which I can afford any significant weight. The Council has not raised any concerns in respect of the other matters and on the basis of the evidence before me, I have no substantive reasons to conclude otherwise.

Conditions

25. I have had regard to the planning conditions that have been suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. Those conditions relating to materials and landscaping are necessary in the interests of character and appearance. I also agree that a condition relating to renewable energy is necessary in the interests of carbon dioxide emission reduction.
26. However, I have not been persuaded that there are any exceptional circumstances that justify the removal of the permitted development rights as suggested by the Council.

Conclusion

27. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson INSPECTOR

SCHEDULE OF CONDITONS

- 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: 3347 Rev A; and 3347/2.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until full details of both hard and soft landscape works, including boundary treatment, have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details and within the planting season (October to March inclusive) following the occupation or the completion of the development hereby permitted, whichever is the sooner. The landscaping scheme shall be maintained for a period of 5 years and any plants which die, are removed or become damaged or diseased within this period shall be replaced within the next planting season with others of a similar size and species.
- 5) No development shall commence until details to demonstrate how the development hereby permitted would meet a 10% reduction of carbon dioxide emissions through on-site renewable energy methods, such as solar photovoltaic panels, have been submitted to and approved in writing by the local planning authority. The on-site renewable energy methods shall be implemented prior to the occupation of the development hereby permitted and retained in accordance with the approved details thereafter.