
Appeal Decision

Site visit made on 14 February 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 20th March 2017

Appeal Ref: APP/M3645/W/16/3162644
189 Westhall Road, Warlingham, CR6 9HL

- 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 The Trademark Group against the decision of Tandridge District Council.
 - The application Ref 2016/554, dated 4 April 2016, was refused by notice dated 5 October 2016.
 - The development proposed is demolition of existing garage structures and erection of a 3 storey apartment building containing 14 residential units with associated landscaping and car parking for 16 vehicles.
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Decision

1. The appeal is dismissed.

Main Issues

2. The issues in this case are:-
 - Whether the proposal would result in an unjustified loss of employment land;
 - The effect of the proposal on the character and appearance of the area, including the setting of a listed building;
 - Whether the proposed development would provide adequate living conditions for future occupiers of the proposed flats in respect of outdoor amenity space, outlook and security; and
 - The effect on parking provision in the area.

Reasons

Whether the proposal would result in an unjustified loss of employment land

3. The appeal site is located on the edge of Warlingham village centre. It is a large triangular site, and has a canopy on the road frontage remaining from its use as a petrol station, although the most recent use was for car repair and MOTs and car sales. It was closed and boarded at the time of my site visit, evidently no longer in operation, although evidence submitted as part of the appeal suggests that it was at the time the planning application was made.
 4. The former petrol station use of the site and its open forecourt area suggest that it has been serviced by large vehicles such as petrol tankers in the past. It is not apparent to me why such vehicles would need to be able to turn within
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the site, when it would be possible, and perhaps usual, for them to enter and leave the site in the same direction. The appeal site's location on Class B roads, close to other businesses, such as the small supermarket on the south side of the nearby green, which are likely to be serviced by large vehicles, also suggests that it could feasibly accommodate a future commercial or industrial use without significant harm to highway safety.

5. The site is at the edge of the existing commercial and retail area, close to a number of busy roads. While there are a small number of dwellings close to the northern boundary of the site, they are within an area of established business and traffic activity, and an alternative commercial or light industrial use on the appeal site would not be likely to have a significant effect on the living conditions of their occupiers, subject to appropriate hours of operation. Houses to the south of the site on Leas Road, equally, are unlikely to be affected.
6. No information has been supplied, for instance in the form of marketing information, which conclusively demonstrates that the site is unviable for any form of commercial or industrial use. The fact that there are other MOT garages in proximity is not determinative in this respect, as an assessment of viability would be expected to take in potential new uses as well as the most recent use. Potential problems arising from alternative uses in relation to accommodating appropriate levels of parking or to additional traffic could only be assessed accurately in relation to specific proposals for the site, and the fact that they might arise does not demonstrate conclusively that such uses would be unacceptable on those grounds.
7. I conclude therefore that it has not been convincingly demonstrated that the site is unsuitably located in terms of servicing or its effect on the amenities of nearby occupiers, nor that it is no longer viable for any commercial use. As a result therefore, the appeal proposal would conflict with Policy DP4 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (the LP) which requires that these should be demonstrated if alternative use of commercial and industrial sites is to be permitted.
8. I am aware of the concerns of a number of local residents who have objected to the loss of the car repair use recently present on site, and although regrettable, this is not a matter for determination through the planning system.
9. The appellant suggests that the Tandridge Economic Needs Assessment 2015 may be taken to indicate an oversupply of vacant industrial land. However, the reasoned justification of Policy DP4 is clear that demand for employment land can fluctuate in response to changes in the economy and market demands, and demand for new employment development is to be met through the re-use of existing sites. It is important therefore to strike a healthy balance between retaining the existing stock of employment land within the District, to help maintain its viability and vitality, and allowing the release of land for alternative uses where it is proven to be the most suitable option. In this case it is not proven, and the requirements of the policy in this respect are not met.

The effect of the proposal on the character and appearance of the area

10. The appeal site is close to Warlingham Village Green to the north east, and a large area of open space to the south across Westhall Road, the "Village Green and School Common". It sits between the closely grained terraces of modest properties characterising the centre of the settlement to the north and a more spacious townscape to the south and west of large houses in generous garden areas, giving onto the countryside beyond.
11. The site is currently occupied by a large shed-like structure to the rear of the site and forecourt canopy. The proposed block of flats would sit on the southern boundary of the site, and would be of three storeys. The block would stretch from the front to back of the site, with a shorter, flat-fronted elevation facing Westhall Road, and a longer elevation, divided into three gabled sections, facing north towards the parking area for the development. The block would feature large windows and projecting balconies on the first and second floors.
12. Care has evidently been taken in the proposed design and materials of the scheme. However, the buildings around Warlingham Green and closest to the appeal site are predominantly of narrow frontages and of two storeys, and the height, scale and bulk of the proposed flats would be conspicuously greater. They would therefore form an uncharacteristic and obtrusive element in the area. The three storey elevation to Westhall Road, although it would present an active frontage, would have a height and scale which would be particularly conspicuous in views along that road, and would have a harmful effect on the character and appearance of the area.
13. My attention has been drawn to other three storey buildings in the area, but they are in the minority and not particularly close to the appeal site, with the exception of the Co-op supermarket and flats which are a later infill and not particularly characteristic of the area.
14. The Grade II* listed building at 183 Westhall Road, the Vicarage, is visually separated from the appeal site by a very large and thickly treed garden area. I do not consider therefore that the appeal proposal would harm the setting of this listed building, which would thus be preserved.
15. Parking space for the proposed development would occupy the northern side of the site and would be open to the street frontage. While little different from the open nature of the site at present, it would form a dominant element in views of the site, and would sit at odds with the strong built edge created by the terraces lining the green.
16. As the proposed development would be harmful to the character and appearance of the area, it would conflict with Policy CSP 18 of the Tandridge District Core Strategy DPD 2008 (the CS) which requires that new development will reflect and respect the character, setting and local context, with Policy DP7 of the LP which seeks development which integrates effectively with its surroundings, reinforcing local distinctiveness.
17. Policy DP8 of the LP refers to the infilling, backland or complete or partial redevelopment of residential garden land, and I do not therefore consider it is applicable to this development.

Whether the proposed development would provide adequate living conditions for future occupiers of the proposed flats in respect of outlook, outdoor amenity space and security

18. The appeal proposal would provide areas of open land to the rear and southern flank of the site. They would be relatively small however, and irregularly shaped due to the shape of the site. They would be heavily shaded from the south by the group of protected trees in the gardens relating to No 183 Westall Road. They would, as a result, be of limited value for recreational use. This would be a particular problem for occupiers of the ground floor flats, who would not have access to a private balcony. The proposal would overall, therefore, provide insufficient appropriate outdoor amenity space for future occupiers of the dwellings created.
19. The height and closeness of the protected trees would also reduce the outlook from windows on the southern and western elevations of the building. While living rooms to the flats are dual aspect, those on the southern side of the block and facing west would nonetheless experience a limited outlook.
20. As therefore the proposal would fail to provide adequate living conditions for future occupiers of the flats in terms of outdoor amenity space and outlook, it would fail to comply with Policy DP7 of the LP which requires that proposals provide a satisfactory environment for the occupiers, and provide appropriate facilities, including amenity and garden areas.
21. As the trees are protected, the Council would be likely to resist attempts to remove them or reduce their effect substantially through pruning, but there would be a likelihood of such pressure. The proposal would therefore conflict with Policy CSP 18 of the CS which requires development to have regard to important groups of trees which need to be retained.
22. The Council refers to the absence of a safe and secure design in its third reason for refusal, but accepts that this is an issue which is capable of being addressed by condition. I conclude therefore that the appeal proposal does not conflict with Policy SCP15 of the CS and Policy DP7 of the LP, which require that the design and layout of new development be safe and secure by the inclusion of measures to address crime and disorder and where possible meet "Secured by Design" Standards.

The effect on parking provision in the area

23. The appeal proposal would provide 16 parking spaces for 14 flats of 1 and 2 bedrooms. The Council's Parking Standard SPD would require 1.5 unallocated spaces per unit or 2 allocated, which would lead to a shortfall of between 5 and 12 spaces therefore. The Surrey County Council Standards, however, would require 1 space per unit, which is met by the proposal.
24. Tandridge is an area where levels of car ownership are higher than the national average. Representations from local residents confirm that levels of parking congestion in streets adjoining the appeal site are high. They would be likely to be exacerbated by the introduction of 14 new dwellings if parking provision was insufficient.

25. However the appeal site is close to the services of the village centre, and access to bus services. There is also access to train services into Central London at three local stations, albeit at a distance of around 1.5 km and involving steep hills.
26. As the majority of the proposed flats would be small, one bedroom, units and as there would be at least one space per unit, I conclude that, while the Council is concerned that parking standards reflect the likely level of ownership of vehicles, a standard of two spaces per dwelling in this context appears high. While, on the other hand, there might be multiple car ownership associated with some of the flats, I conclude that it would not be likely to be of a sufficiently high level to cause significant harm to parking provision around the site.
27. I conclude therefore that the appeal development would not conflict with Policy DP7 of the LP, which seeks development which has regard to the adopted Parking Standards SPD 2012 and does not result in additional on-street parking where it would cause congestion or harm to amenity or highway safety. It would not, either, conflict with Policy DP5 of the LP which requires development to comply with the relevant Highway Authority's and any other highways design guidance. It would not conflict with Policy SCP12 of the CS which requires new development to have regard to adopted parking standards.

Conclusion

28. Notwithstanding my findings in relation to security and parking, for the reasons given above, and taking into account all other matters raised, I conclude that the proposed development would be in conflict with the relevant policy of the LP taken as a whole. The appeal should therefore be dismissed on the grounds of the loss of employment land and adverse effect on the character and appearance of the area.

S J Buckingham

INSPECTOR