

Appeal Decision

Site visit made on 21 February 2017

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: 20 March 2017

Appeal Ref: APP/M3645/W/16/3161471

26 Bakers Lane, Lingfield, Surrey RH7 6HD

- 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 Patrick Prebble, Formalcourt Site Investments Limited, against the decision of Tandridge District Council.
 - The application Ref TA/2015/869, dated 5 May 2015, was refused by notice dated 30 September 2016.
 - The development proposed is the retention of the existing building for the continued use under class order D1 and the alteration and extension of the existing roof to provide 1 x 1-bedroom and 1 x 2-bedroom flats within the existing roof area. The provision of three car parking spaces for the sole use of the residents of the proposed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers in terms of living space and amenity space
 - the effect of the proposed development on the living conditions of the occupiers of 30 Bakers Lane, having particular regard to privacy
 - the effect of the proposed development on the character of the area, and
 - whether the proposed development would make adequate provision for off-street parking, and the effect of any lack of provision.

Reasons

Living conditions for future occupiers

3. The Council considers that the proposed flats would be small and cramped and that their sloping ceilings would compromise their use. It concludes that the area of private amenity space for each flat would be too small for the number of occupiers.
 4. While it does not set out minimums for floor space or amenity areas, Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, adopted 2014 (LPP2) requires proposals to provide a satisfactory environment for the occupiers of new development and appropriate facilities for individual and communal use including amenity areas and garden areas.
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5. The drawings show that the layout of the flats has accommodated the slopes of the roof of the existing building. While the habitable rooms of the flats would be within dormer roofs, their eaves and ridge heights would not unduly compromise the use of the spaces they enclose. There is no evidence that the floor areas of the flats would be insufficient for the intended number of occupiers, which appear to be laid out in a satisfactory arrangement given the constraints of the existing roof.
6. However, part of the amenity space for the proposed flats would be to the front of the building between the parking area and the entrance to the nursery, and crossed by the shared access path to the flats. This area would provide little or no privacy to its occupiers who would risk being disturbed by the people coming and going to the nursery and the flat above.
7. The other part of the amenity area would be a narrow strip located between the flank wall of the building and the boundary fence, including the area under the external platform giving access to the first floor. This would be a confined and overshadowed area offering little amenity. It is not clear whether the amenity space would be shared by the flats or allocated individually. In either event, the quality and utility of the amenity space would be unacceptably compromised.
8. I conclude on this issue that while the proposed development would provide acceptable living conditions for future occupiers in terms of the provision of internal living space, the amenity space would be of an unacceptably poor standard. It would be in conflict with LPP2 Policy DP7 and with one of the core planning principles of the National Planning Policy Framework (the Framework); that planning should seek to ensure a good standard of amenity for existing and future occupants of land and buildings.

Living conditions of the occupiers of 30 Bakers Lane

9. The Council does not object to the windows of the proposed flats facing towards 30 Bakers Lane but to the risk of overlooking from the external stairway and platform which would provide access to the flats.
10. I accept that the platform would be unlikely to be used other than for access to the flats, however, as well as the residents of the flats, it would be used by visitors and callers. I take into account that in built-up areas there is a degree of overlooking between adjacent or opposite dwellings which is generally accepted. However, given its proximity and its oblique orientation to No 30, the degree of overlooking from the platform into the garden of No 30 would be significantly harmful to the privacy of the occupiers of No 30.
11. In respect of this issue, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of 30 Bakers Lane, having particular regard to privacy. It would be in conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 (CS) which requires, among other things, that development does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking. It would be at odds too with the core planning principle of the Framework concerning the standard of amenity for existing occupants of land and buildings.

Character of the area

12. The main building has a compact and largely symmetrical form. Though broad compared to the surrounding houses, its width is relieved by the low eaves of

the simple roof and the decorative arches in the street elevation. It is a distinctive building which makes a significant contribution to the character of the area. While there are examples of dormers on the roofs of the houses directly to the south, these take up less than half of the roof slope and are set well away from the eaves, ridge, and verges.

13. The dormers proposed, in their number, their size, and their proximity to the ridge and eaves of the existing roof, would tend to overwhelm the balance between developed and undeveloped roof slope in the building. They would disrupt the legibility and simplicity of the roofscape of the building. While the dormers would be prominent, the openings within them would appear to have little in common with the size, proportion, alignment, fenestration, and solid: void ratios of those in the walls below them. They would undermine the coherent townscape of the building. More significantly, the external stairway and platform would be an incongruous element attached to the building, which would undermine its architectural unity, especially when viewed from the public area leading into the cemetery behind the site.
14. The proposed development would thus harm the character of the area and would be in conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 (CS) and LPP2 Policy DP7. These require development to be of a high standard of design and to reflect and respect the character, setting and local context, reinforcing local distinctiveness. It would also conflict with the Framework which says that development should respond to local character (paragraph 58), and with the Planning Practice Guidance¹ which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

Off-street parking

15. While the proposed flats would be provided with off-street parking as set out in the Council's Parking Standards Supplementary Planning Document 2012, it would displace the parking of staff cars and the ability of parents to drop-off and collect children at the nursery by car.
16. However, at the time of my site visit, which was on a weekday morning, I did not see any restrictions on parking on the highway in the vicinity of the site, and the occupancy of the street parking was less than 50% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available does not indicate a high degree of parking stress or overload in the locality.
17. The site is in a relatively sustainable location, close to Lingfield railway station, and to two bus routes. The Framework has a core principle of making the fullest possible use of public transport, walking, and cycling, and advises that parking standards should take account of the type of the development and its accessibility. I also note the Written Ministerial Statement to Parliament of 25 March 2015 (WMS) which states that local planning authorities should impose local parking standards only where there is clear and compelling justification that it is necessary to manage their local road network.
18. From my visit to the site and the surrounding streets, I do not consider that the displaced parking spaces would result in unsustainable pressure on the existing

¹ Planning Practice Guidance, paragraph:007, ID 26-007-20140306

on-street parking in the area. Nor has it been demonstrated that there would be a harmful effect on the amenity of the area or the living conditions of surrounding and future occupiers.

19. I note the appeal decisions² referred to by the Council. However, both cases pre-date the WMS. The Inspector in the Fir Trees Close appeal concluded that the shortfall in off-street parking would not be sufficient grounds to dismiss the appeal, and the parking in that case concerned residential use rather than parking for staff and parents connected with a nursery use as in this case. In the Station Avenue appeal, which concerned residential development for 9 flats rather than a nursery use, the Inspector in concluding that the search for spaces for the flats would harm the amenity of surrounding occupiers and character, added that he would have expected a marked degree of flexibility in numerical terms to have been indicated by the Council. The circumstances between those cases and the appeal in hand are so different that I am unable to draw any parallel conclusions.
20. I conclude on this issue that the proposed development would make adequate provision for off-street parking and there would be no harm to the living conditions of surrounding occupiers or the character of the area and no conflict with CS Policy CSP12 and LPP2 Policy DP7.

Other Matters

21. I have had regard to other matters raised and not addressed above, including the effect of the proposed development on the living conditions of the occupiers of 24 Bakers Lane, the compatibility of the proposed use with the nursery below and the safety of children. However, there would be no windows serving habitable rooms which could materially harm the privacy of the occupiers of No 24. The two dormers which would extend beyond the front and rear lines of No 24 would be sufficiently distant to the north-east and of such size that there would be no harm to these occupiers in terms of outlook, privacy, daylight, or sunlight.
22. There is no evidence that residential use above a nursery would be any less compatible than the residential use already beside it. Subject to a condition securing their relocation, there is no evidence that moving the street railings would harm the children in the nursery.

Conclusion

23. The proposed development would provide a benefit of two additional dwellings to local housing supply, and it would make adequate provision for off-street parking. However, this is outweighed by the harm to the living conditions for future occupiers and the occupiers of 30 Bakers Lane, as well as to the character of the area, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

² Appeal Refs APP/M3645/A/13/2202155 & APP/M3645/A/13/2192750