

Appeal Decision

Site visit made on 2 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 24th May 2017

Appeal Ref: APP/M3645/W/16/3165440

5 Little Coppice, 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 (c/o Country House Homes Ltd) against the decision of Tandridge District Council.
 - The application Ref TA/2016/1873, dated 10 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is construction of a new dwelling, garage, driveway and crossover to the highway.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new dwelling, garage, driveway and crossover to the highway at 5 Little Coppice, Sylvan Close, Limpsfield RH8 0DX in accordance with the terms of the application, Ref TA/2016/1873, dated 10 October 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Matthew Stevens (c/o Country House Homes Ltd) against Tandridge District Council. This application is the subject of a separate Decision.

Main Issues

3. 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 No. 5 Sylvan Close, with particular regard to outlook and privacy.
 - Whether the proposal would provide acceptable living conditions for future occupiers, with regard to amenity space.
 - Whether the proposal provides adequate car parking provision and the effect on highway safety.
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Reasons

Background

4. The proposal before me follows the refusal of a similar application and a subsequently allowed appeal in January 2017¹. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Character and appearance

5. As per the recent appeal the Council do not object to the principle of development, the sub-division of the plot, plot size, density, frontage width or the siting of the dwelling. Again, the main concerns relate to the mass, scale and height of the buildings being cramped and overdeveloped.
6. The combination of the house and garage would undoubtedly be conspicuous within the streetscene although it would be seen in the context of mature trees and landscaping. Although larger in footprint than No. 5, the proposal would have a domestic 2 storey scale and it would not appear disproportionately greater than the host property of No. 5 or those in the immediate locality.
7. At approximately 8.4m the ridge would be substantially lower than No. 5 and given the topography of the land, being much lower than the road and No. 5, it would not appear overly dominant or unduly prominent within the streetscene. The buildings would be set away from the boundaries and the pleasant verdant character of this part of the settlement would be retained. It would not appear cramped or overdeveloped and would not result in a frontage that is dominated by built form.
8. For these reasons, the proposal would not harm to the character and appearance of the area and would not conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 ('CS') and Policies DP7 and DP8 of the Local Plan Part 2: Detailed Policies 2014 ('LP'). 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 No. 5 Sylvan Close

9. I share the view of the previous Inspector that there would be a significant gap separating the rear elevation of the proposal and No. 5. The level of the terrace to the rear of No. 5 sits substantially higher than the appeal site and in combination with the height, 2 storey scale and mass the proposal would not be overbearing or visually intrusive to the occupiers of No. 5 in terms of outlook. Furthermore, given the distances in between the plots there would not be any material harm in terms of overshadowing.
10. There would inevitably be a degree of overlooking into the back garden of No. 5 from the first floor bedrooms of the proposed dwelling. This would be mitigated by the presence of landscaping and an existing outbuilding that sits on the rear boundary of No. 5. Furthermore, the retained garden of No. 5 would be of a substantial depth. Consequently, I do not consider that there would be a harmful level of overlooking that would be to the detriment of the

¹ APP/M3645/W/16/3154957.

living conditions of the occupiers of either property sufficient enough to warrant dismissal of the appeal.

11. For these reasons, the proposal would not harm the living conditions of the occupiers of No. 5 Sylvan Close in terms of outlook, overshadowing and privacy. It would not conflict with CS Policy CSP18 of the CS or Policy DP7 of the LP 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.

Living conditions of future occupiers

12. The back garden of the proposal would be shorter than that of surrounding properties. Nonetheless, the size of the garden would provide sufficient space commensurate to the scale and size of the dwelling. In this respect, the space would be adequate for future occupiers and there would be no harmful effect on outlook due to the size, scale and siting of the existing outbuilding. Accordingly, the proposal would provide acceptable living conditions for future occupiers in terms of amenity space. It would not conflict with Policy DP7 of the LP which requires development to provide a satisfactory environment for the occupiers of both existing and new development.

Highway safety

13. Although I have not been provided with a copy, there would appear to be a shortfall of one parking space compared with the Council's standards as set out in its Parking Standards Supplementary Planning Document 2012 ('SPD'). However, whilst the Council contend 4 spaces should be provided, I note that the standard is based on 3 spaces being allocated and an additional space being unallocated and shared between 4 dwellings.
14. The proposal relates to a single dwelling and therefore the demand for the additional space is likely to be less. Although the garage may be slightly narrower than the standard the site layout would provide sufficient flexibility to allow a larger car to be parked externally, if it would not fit in the garage. I find there would be sufficient space to provide three parking spaces and they would be able to manoeuvre so as to leave the site in a forward gear. Moreover, I note that the Highway Authority did not object to the proposal on highway safety grounds. Three accessible and useable parking spaces would be provided for the proposed dwelling and this would be acceptable for the likely number of occupiers.
15. For these reasons, the proposal would make adequate provision for parking and would not harm highway safety. It would not therefore conflict with Policy CSP12 of the CS or Policy DP7 of the LP which require proposals to have regard to highway design standards and the Council's parking standards.

Conditions

16. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides certainty. A condition requiring details of the external materials to be submitted is necessary in order to protect the character and appearance of the

area although it is more appropriate that the approval should occur before the development rises above ground level, rather than before any commences.

17. As per the previous appeal 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 Policy CSP14 of the CS. However, the appellant's Environmental Policy Statement sets out in detail how the measures to achieve the requisite carbon dioxide saving would be provided and I have therefore imposed a condition to secure their implementation.
18. In the interest of highway safety, a condition to secure the parking and turning areas within the site to be provided prior to first occupation is necessary. The Council suggests that the future enlargement of the house should be restricted by removing permitted development rights, in the interests of the character of the area. However, such rights should be removed only in instances of specific and precise justification and I find no exceptional circumstances in this case such as to warrant the removal of these rights. I have therefore not included such a condition as I do not consider it to be necessary.

Conclusion

19. For the reasons set out above, the proposal would not conflict with the development plan, when read as a whole or the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, including the concerns of Limpsfield Parish Council I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 500/DJ/003, 501/DJ/009, SC/TSP/1042-01-A, SC/TSP/1042-03, 501/DJ/006, 501/DJ/001, 501/DJ/008, 500/DJ/005, 501/DJ/004, 501/DJ/010, 501/DJ/002 and 501/DJ/007.
- 3) No development shall commence above ground level until details 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 details.
- 4) 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.
- 5) 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 (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.