The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2017

by Rory MacLeod BA MRTPI

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

Decision date: 26th May 2017

Appeal Ref: APP/M3645/W/16/3164713
246 Hillbury Road, Warlingham CR6 9TP

- 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 Mrs Behrokh Barber against the decision of Tandridge District Council.
- The application Ref TA/2016/475, dated 21 March 2016, was refused by notice dated 25 November 2016.
- The development proposed is demolition of garage and shed; construction of new garage for the existing dwelling; construction of 2 additional 4 bedroom dwellings with integral garages and formation of associated access road, amenity space and parking areas.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area and (2) the living conditions for existing and future residents.

Reasons

Character and appearance

3. The appeal site comprises a detached chalet bungalow set centrally within a large garden on a back land plot. Access is gained via a driveway between 244b and 248 Hillbury Road which are frontage dwellings. To the west of the site is 242 Hillbury Road, a two storey building also set behind a frontage property (no. 244) and located on lower ground level. To the south is 11 Bayards, a detached dwelling on lower ground whilst to the north east is Hillbury Gardens, a development of two storey houses on higher land levels arranged around the end of a cul-de-sac. The character of the area is wholly residential in nature but there is great variety in the size and design of the dwellings. The informal layout of the dwellings is such that there is overlooking of adjacent gardens from the upper floor windows of some dwellings but usually at an oblique angle and at a distance that does not result in significant loss of privacy. Similarly, the separation distances between the buildings ensure that adjacent dwellings do not appear overbearing. The presence of high hedges to most boundaries to the appeal site contributes to the verdant appearance and spaciousness of the overall character.

4. Two infill houses are proposed, one to either side of the retained chalet bungalow. A garage would be demolished to enable the existing driveway to be extended to service the rearmost house on plot C. Whilst the proposals involve in depth development of residential garden land, the utilisation of the present access would not result in multiple access points onto the existing frontage. Nor would the proposals prejudice the potential for the satisfactory development of a larger area; there are dwellings close to most boundaries. The appeal site and other sites in the surrounding area are characterised already by tandem development and the proposals would not be out of keeping with this character.

5. The appeal site is noticeably larger than most sites in the immediate vicinity. Its proposed subdivision would result in three plots comparable in size with each other and with that of some other sites nearby. Similarly, the footprint of both proposed and retained dwellings would be comparable in size with each other and not dissimilar from that of other dwellings nearby. Each dwelling would have a sufficient private garden area and the main outlook from principal habitable room windows would be either to the south west or south east resulting in optimal natural lighting.

6. The two new houses would both have an overall height greater than that of the retained chalet bungalow, but the upper floor accommodation would similarly be set within the roof areas. The height and mass of the two new houses would not be out of keeping with that of other dwellings in the area where there is variety in the form and height of dwellings. Having regard to this variety and to the informal arrangement of dwellings in the surrounding area, I consider that the proposals would be in keeping with the pattern of development in the area.

7. Policy CSP 18 of the Tandridge Core Strategy 2008 (CSP 18) and Policy DP7 of the Tandridge District Local Plan: Part 2 Detailed Policies 2014 (DP7) are both general policies to ensure that new development respects and effectively integrates with the character of the surrounding area. Policy DP8 of the Tandridge District Local Plan: Part 2 Detailed Policies 2014 (DP8) is specific to the residential development of garden land but has similar aims with particular guidance relating to the sub-division of plots and piecemeal or 'tandem' development. I consider that the proposals would result in a form of back land development that is in keeping with the character and appearance of the area and that it would not result in a cramped or overcrowded development. As such I find no conflict with development plan policies on this issue.

8. I have noted the reasons for the refusal of planning permission for the redevelopment of the appeal site for 3 dwellings in June 2000. However, the current proposals involve a different configuration of buildings to be assessed against more recent development plan policies.

Living Conditions

9. There is a continuous hedge some 4m high on the north eastern boundary of the site. This forms the rear boundary to 12 and 13 Hillbury Gardens, houses sited on higher land levels than the appeal site. The house on plot C would be positioned close to the boundary hedge and would have a ridge height in excess of 8m and a feature chimney facing Hillbury Gardens. The upper part of the building would be clearly visible above the boundary hedge from various positions within the dwellings and gardens at 12 and 13 Hillbury Gardens. A

separation distance of just over 14m is shown between the rear wall of 12 Hillbury Gardens and the north eastern flank wall of the proposed house. Having regard to its siting, height and mass, the new house would appear as a prominent and close feature and would result in an overbearing relationship for the occupiers of 12 Hillbury Gardens. Given the orientation of the new building to the south west of no. 12, there would also be some overshadowing of the rear garden.

10. Policies CSP 18 and DP7 seek to protect the amenities of occupiers of neighbouring properties in relation to new development. The latter states," In most circumstances, a minimum distance of 14 metres will be required between principal windows of existing dwellings and the walls of new buildings without windows". In respect of the relationship between 12 Hillbury Gardens and the proposed house on plot C, I consider that this minimum separation distance is insufficient to mitigate the harm I have identified. The development would thereby be in conflict with the relevant development policies.

11. There would be no windows in the house on plot C in the upper floor facing towards 12 Hillbury Gardens other than distant roof lights to a bathroom over the garage. However, the front facing window to bedroom 2 on the first floor of the new dwelling would afford views over the boundary hedge towards the rear gardens of no's 12 and 13. There would be some overlooking but given the oblique angle of view and distances involved, any loss of privacy would not be significant. The house would also be seen as a close feature from the side garden to 11 Hillbury Gardens but given the siting and orientation of that house there would not be any significant overbearing effect for the occupiers.

12. Two bungalows, 244a and 244b Hillbury Road would have back gardens adjoining the proposed house on plot A, with a boundary hedge some 4m high between. There would be a separation of approximately 14m between the rear windows of a conservatory at no. 244a and the flank wall of the house. The roof ridge would be set farther away due to the design of the house with a long catslide roof facing towards no. 244a. The hedge would largely screen the new house at ground and first floor levels in view of the siting of the house away from the hedge and the design of its roof. Any overbearing effect on the occupiers of either no. 244a or no. 244b Hillbury Road would not thereby be significant. The main upper floor windows to the house would be at the front and rear and given the separation distances and angles of view, there would not be any significant loss of privacy from overlooking.

13. A replacement garage is proposed for the retained dwelling on the boundary with 242 Hillbury Road, close to where a shed would be demolished. It would be constructed on higher ground than the land levels at no.242 but would face a side wall with no windows, so there would be no significant loss of amenity for the occupiers of this property as a result of the garage.

14. The use of the access alongside 244b Hillbury Road by the occupiers of three dwellings at the site would result in a small increase in noise levels for the occupiers of this bungalow. However, given the low number of overall trips likely to result, I do not consider that there would be any significant effect on living conditions.

15. I acknowledge that the size and siting of the houses proposed on both plots A and C has been amended during the course of considering the planning application to address concerns raised. But the changes made do not

overcome the harm I have identified in respect of the relationship between the house on plot C and living conditions at 12 Hillbury Gardens.

Other Matters

16. Several representations have raised the adequacy of the present access to service a more intensive use of the site, particularly since an application for redevelopment of the site in 2000 was refused in part on highway safety grounds. However, as the appeal is being dismissed, this is not a matter that I have to consider further.

17. I have noted residents' concerns about the impact of the house on plot C upon the roots of two beech trees in the back garden of 137 Westhall Road. Windows in the south eastern elevation of the house would be shaded by the canopies of these trees but other windows at the house would benefit from better natural lighting. Had I been minded to grant permission it would have been appropriate to include planning conditions to safeguard these trees during building operations.

Conclusion

18. The development would result in harm to the living conditions of the occupiers of 12 Hillbury Gardens in view of the siting, height and massing of the house proposed on plot C. Having regard to this finding and to all other matters raised, I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR