
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/17/3167329

Linden, Rockfield Road, Oxted, Surrey RH8 0EL

- 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 & Mrs T Burrage against the decision of Tandridge District Council.
 - The application Ref TA/2016/1377, dated 1 August 2016, was refused by notice dated 26 September 2016.
 - The development proposed is subdivision of the existing curtilage and erection of a detached chalet dwelling utilising the existing vehicular access on to Rockfield Road, formation of off-street parking bays, new landscaping and associated works.
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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. Linden is a single storey building located at the back of a triangular shaped plot with a tapering front garden extending towards Rockfield Road. On either side there are large two storey houses (Cleave House and Rainbow's End) which are located towards the road frontage. There is variety in the design of houses in the vicinity of the appeal site but a common characteristic is their large size and setting within substantial plots, often bounded by mature landscaping that emphasises the separation between the dwellings.
4. By comparison, the proposed dwelling would appear as a noticeably smaller building on a much tighter plot. Its form as a low lying chalet bungalow would contrast with the higher houses in the immediate vicinity. Whilst set back behind the rear walls of the neighbouring houses, it would nonetheless be seen from Rockfield Road. Its proximity to the site boundaries and also to the house to the south, Rainbow's End, would result in a cramped appearance in contrast with the spacious pattern of development in the surrounding area.

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5. The appellants point out that subdivision has occurred at other nearby properties. They refer to some sites where, as with the present appeal, the original dwelling is sited towards the rear boundary and a new dwelling provided towards the front of the plot. The wider area includes backland, tandem and infill development. However, to the extent that these developments can be seen from the street, they have been integrated into the existing pattern of development without compromising the existing character of buildings contained within landscaped plots. The appeal scheme would not achieve that.
 6. Whilst I note that the residential density of the scheme would accord with relevant local policy, the proposed subdivision would result in curtilages smaller than those typically found in the vicinity of the site. My attention has been drawn to an appeal decision at the Coach House¹. However, that decision related to the sensitive conversion of an existing building and the Inspector found that the appeal site was already separated by mature trees and hedging. The facts of that case were therefore quite different to the current appeal.
 7. In conclusion, the built form of the proposed chalet bungalow would not integrate effectively with its surroundings and its proximity to site boundaries and neighbouring dwellings would not be in keeping with the character and appearance of the area. It would not accord with Policy CPS 18 of the Tandridge Core Strategy 2008 and Policies DP7 and DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014. Together these policies seek to ensure that new development integrates effectively with its surroundings and does not involve inappropriate subdivision to a size below that prevailing in the area. The policies also seek to protect local character and distinctiveness.

Living Conditions for existing and future residents

8. The proposed chalet bungalow would be sited behind the rear walls of the adjacent frontage houses and would occupy most of the plot width between the retained vehicular access to Linden and a high laurel boundary hedge. Bedroom 3 would have an outlook directly on to the laurel hedge on the northern boundary, but other than this the rooms would benefit from a good standard of light and outlook. The main windows would be at the back of the property and face towards Linden. The proposed 2m wall along the rear boundary to the new plot would safeguard privacy within the proposed development in respect of any overlooking from Linden. Given the separation distance between the two buildings there would be no significant loss of privacy at Linden in relation to overlooking from the proposed development.
9. The kitchen window, flank living room window and main entrance would all be located on the southern side of the proposed chalet bungalow and would face towards the rear garden of Rainbow's End. These openings would be visible from rear facing windows at Rainbow's End but the separation distance and oblique angle of view would mitigate against any substantial loss of privacy within rooms at Rainbow's End. The boundary fence alongside the driveway to Linden would also help to safeguard privacy within the rear garden at Rainbow's End.
10. Cleave House is to the north of the site, located on lower ground. The high boundary hedge would largely screen the proposal when viewed from ground

¹ APP/M3645/W/17/3167329

floor rear windows or from within the rear garden. It would also screen the south facing windows and door openings in the proposed chalet bungalow such that there are unlikely to be any significant problems of overlooking either within Cleave House or within the proposed chalet bungalow from Cleave House.

11. I find that there would be no significant harm to living conditions of neighbouring occupiers arising from overlooking from the proposals. In this respect, the development would be compatible with the provisions of Policy CPS 18 of the Tandridge Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 which seek to provide a satisfactory environment for the occupiers of both existing and new development.

Other Matters

12. I have also taken account of the importance of boosting the supply of housing as set out in the National Planning Policy Framework. However, this is not sufficient to outweigh the harm identified to the character and appearance of the area.
13. I have noted the appellant's comments in relation to needing less garden land and aspiring to provide a relatively modest dwelling which he claims are in short supply in the area. However, this does not outweigh the harm to the character of the area that I have identified.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR