
Appeal Decision

Site visit made on 6 June 2017

by Rory MacLeod BA MRTPI

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

Decision date: 18th July 2017

Appeal Ref: APP/M3645/W/17/3168526

Land adjacent to 2 Nelson Road, Caterham CR3 5PP

- 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 Steven Coomber against the decision of Tandridge District Council.
 - The application Ref 2016/1544, dated 24 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is demolition of existing garages and erection of a detached dwelling and associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the development on the living conditions of the occupiers of nearby dwellings, (2) the effect of the development on the character and appearance of the area and (3) the requirement for renewable energy measures in the development.

Reasons

Living Conditions

3. The appeal relates to an 'L' shaped plot comprising two detached garages and open parking fronting Nelson Road. It is proposed to demolish these and erect a detached house on the main part of the site closest to the adjacent dwelling at 2 Nelson Road and to provide two open parking spaces alongside for the new dwelling and one for the house at 80 Chaldon Road.
4. The side wall to the new house would be very close to the boundary with the house at 2 Nelson Road; the plans show a set back to avoid an overhanging gutter. No.2 has its main entrance and two windows and a roof light serving a dining room and kitchen on the side facing the development site. The two storey element of the dwelling would project beyond the two storey part of 2 Nelson Road by approximately one metre, and given the location of the development to the south of 2 Nelson Road, it would cast a shadow towards the side windows here. The separation would be approximately 2.5m. The overall mass, depth and proximity of the proposal on the boundary to 2 Nelson Road would also have an overbearing impact on the living conditions of occupiers here having regard to the configuration of side windows.

5. The new dwelling would abut the rear boundaries of 82 and 84 Chaldon Road. There would be no side windows facing towards these dwellings, so privacy would be safeguarded. Outlook from the rear windows of these houses would be affected but with a separation distance in excess of 20m I consider that this would not have any significant impact. The house would also be to the north, so there would be no overshadowing of the rear gardens.
6. There would be a separation distance of approximately 30m between the first floor rear window of the proposed house and the first floor windows of houses to the rear in London Road. The relationship would be similar to that of existing houses on this side of Nelson Road with the houses to the rear in London Road. In my opinion, there would be no significant effect on privacy for the occupiers of the London Road houses.
7. Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 both seek to protect the amenities of the occupiers of neighbouring properties in relation to matters including overshadowing and having an overbearing effect. For the reasons set out above, the proposal would have a significant adverse effect on the living conditions of the occupiers of 2 Nelson Road and thereby would not be in accordance with these policies.

Character and appearance

8. Nelson Road is wholly residential in character comprising terraced, semi-detached and detached dwellings, mainly of modest size, but with a wide variety in their frontage building lines, detailed design and materials used in their construction.
9. The proposed house would be constructed on the same building line as 2 Nelson Road and would reflect the Victorian design of this house in relation to its eaves height, window detailing and external materials. The entrance would be on the front rather than the side and the width of the building would be slightly narrower than that of the semi-detached houses 2-8 Nelson Road. However, there are detached houses of comparable width to that proposed in the surrounding area, such as at 8a and 9 Nelson Road and at 10 Homesdale Road. The width would be the same as that for terraced houses in London Road to the rear.
10. The proposed house would occupy the full width of the plot, which would be unusual for detached and semi-detached houses in the road, but the lack of a side passageway would not detract from the usability of the dwelling. Moreover, in view of the separation of some 2.5m to the flank wall of 2 Nelson Road, and that this would be the first house on this side of Nelson Road, the development would not be out of keeping with the rhythm of building blocks and spaces between buildings in the road.
11. Policy CSP18 of the Tandridge District Core Strategy 2008 requires that new development is of a high standard of design that reflects and respects the character, setting and local context, including those features that contribute to local distinctiveness. Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 (TLP) is a general policy for new development that reinforces these objectives and has particular specifications on built form. The local context for the appeal site shows much variation in the character, setting and design of the dwellings. The proposal would reflect and respect many of the

design elements of neighbouring dwellings and in my opinion would not be contrary to the provisions of these policies.

12. Policy DP8 of the TLP relates to development of residential garden land. New development should not involve the inappropriate sub-division of existing curtilages to a size below that prevailing in the area. The curtilage formed for the proposed dwelling would be comparable in size to others in the area. I find no conflict with this policy. The majority of the site appears to be underutilised at present, and the proposal would result in a satisfactory residential curtilage in terms of garden land and parking for the new dwelling.

Renewable Energy

13. Policy CSP14 of the Tandridge District Core Strategy 2008 requires new dwellings to meet or exceed a target of 10% reduction in carbon emissions through the use of renewable energy technologies. Had I been minded to allow the appeal, it would have been appropriate to include a planning condition to ensure that the proposal satisfies this policy requirement.

Other Matters

14. The proposal would provide an additional housing unit that would help to meet the need for additional housing within Tandridge, particularly for smaller households. It would also encourage the use of previously developed and underutilised land for residential purposes. I note that the dwelling would also comply with provisions within the Surrey Design Guide published in January 2002. However, these factors do not outweigh the harm I have identified in relation to living conditions for the occupiers of 2 Nelson Road.

Conclusion

15. Whilst I have found that the proposed dwelling would not adversely affect the character and appearance of the area, its mass and proximity to the ground floor side windows at 2 Nelson Road would have a significant effect on the living conditions of the occupiers of this property. The appeal is therefore dismissed.

Rory MacLeod

INSPECTOR