
Appeal Decision

Site visit made on 24 October 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 9 November 2017

Appeal Ref: APP/M3645/W/17/3180008
Courtlands, Rockfield Road, Oxted RH8 0EJ

- 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 Moran of Moran Architects Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2017/383, dated 23 February 2017, was refused by notice dated 9 June 2017.
 - The development proposed is the erection of two houses and detached garage and new access road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was requested to view the site of the proposed development from the neighbouring properties of Barons Croft and Rockfield Cottage in Rockfield Road and The Gables in Uvedale Road. I visited these properties and have taken this into account when coming to my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed two dwellings on the character and appearance of the surrounding area; and
 - the effect of the proposed development on trees.

Reasons

Character and appearance

4. Rockfield Road and Uvedale Road comprise large dwellings within substantial gardens, a number of which have been subdivided to provide additional dwellings within the original gardens, some to the side and a number to the rear. Those gardens are mature and provide a spacious and sylvan character to the area.
5. The proposal would subdivide the garden of Courtlands with an access through the large side garden and leading to the rear of the property, where two new dwellings would be constructed. The larger of the two dwellings would be a

very substantial building and face directly down the access drive with its detached garage in front. In views from the road, these buildings would fill the gap between the existing dwelling and the boundary with Rockfield Cottage adjacent. That dwelling would also be prominent in views from surrounding gardens. This would result in a cramped appearance, dominated by the large proposed dwelling and exacerbated by the depth of development including the garage.

6. A second, but smaller, dwelling would be located behind the existing house and garden, such that it would not be visible from the road, other than in glimpsed views. It would be located with a modest gap to the boundary with Barons Croft, comprising a substantial tree screen that would block views of the dwelling from that property other than underneath the tree canopy. The turning area and garden proposed would add to the space around that dwelling.
7. Consequently, I conclude that the larger of the dwellings and its garage would result in a cramped appearance to the proposed development that would harm the spacious character of the area. As such, it would be contrary to Policy CSP18 of the Tandridge District Core Strategy (CS) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (LP2) that seek to ensure development is of a high standard of design that reflects and respects the distinctive character and appearance of the area.

Trees

8. The planning application was accompanied by an Arboricultural Survey and Planning Integration Report. This provides details as to the loss of trees and the effect of the development on the remaining trees, particularly the oak trees to the rear of the site on which the Council have served Tree Preservation Orders (TPO) and contribute to the sylvan character of the area. The two trees to be removed are fruit trees that would have no discernible effect on the surrounding area, given the other surrounding trees. Some works may be required to other trees, including one of those protected by TPO, but this would be minor in nature and not affect the long term health of the trees. The report sets out tree protection measures to be followed should the appeal be allowed and confirms that the oak trees to the rear would be protected during the course of development.
9. The proposed dwellings would have relatively modest rear gardens, taking account of the size of surrounding plots and the size of the proposed dwellings. The garden of the larger house would contain a number of mature trees that would fill a substantial part of the garden and overshadow parts of the gardens of both houses. Nevertheless, sufficient space would be provided around those trees to provide outside amenity space for occupiers of the proposed dwellings and the effect on the amount of daylight and sunlight to the gardens and houses would not be sufficient to result in inadequate living conditions of prospective occupiers. Nevertheless, it is possible that future occupiers of the dwelling would put pressure on the Council to allow works to the trees protected by the TPOs at the rear of the site in the future. However, given that limited impact, there is no reason to consider that there is an undue risk of pressure that the Council would be unable to resist.
10. For these reasons, I conclude that the proposed development would not adversely affect surrounding trees protected by TPO. As such, it would comply

with Policy CSP18 of the CS and Policy DP7 of the LP2 as they relate to ensuring that development makes provision for the retention of existing trees that are important within the local landscape.

Other matters

11. The proposed dwellings would provide a modest contribution to the supply of housing in the area and would be in close proximity to services and facilities within Oxted.
12. The proposed dwellings, particularly the larger dwelling, would be visible from surrounding houses. However, they would be separated from those houses by substantial gardens and boundary planting. That separation and planting, combined with the orientation of the dwellings, would ensure that they would not overlook or overshadow neighbouring properties. Noise from the existing swimming pool and its associated equipment is not unusual in this residential area and additional use should it be used by occupiers of the proposed dwellings would not cause undue noise and disturbance to occupiers of neighbouring dwellings. As a result, the proposed development would not give rise to harm to the living conditions of neighbouring occupiers by reason of a reduction in daylight or sunlight, noise and disturbance, nor to the privacy of those neighbouring occupiers.

Conclusion

13. I have found that the proposal would not result in harm to protected trees or neighbouring occupiers and would contribute to the supply of homes close to services and facilities. However, that is not sufficient to outweigh the harmful effect the works would have on the character and appearance of the area. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR