



Appeal Decision

Site visit made on 13 November 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 29th November 2017

Appeal Ref: APP/M3645/W/17/3180308

409 to 411 Croydon Road, Caterham CR3 6PP

- 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 C G Pettersson of Redab Properties Plc against the decision of Tandridge District Council.
 - The application Ref TA/2017/240, dated 3 February 2017, was refused by notice dated 19 May 2017.
 - The development proposed is demolition of one and two storey buildings and erection of a three storey mixed use building to form part Use Class B1(a) at ground floor (office) and Use Class C3 at first and second floors (4 x 2b duplex) and separate three storey building with Use Class C3 over all floors (3 x 1b and 3 x 2b).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of one and two storey buildings and erection of a three storey mixed use building to form part Use Class B1(a) at ground floor (office) and Use Class C3 at first and second floors (4 x 2b duplex) and separate three storey building with Use Class C3 over all floors (3 x 1b and 3 x 2b) at 409 to 411 Croydon Road, Caterham CR3 6PP in accordance with the terms of the application, Ref TA/2017/240, dated 3 February 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr C G Pettersson of Redab Properties Plc against Tandridge District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. This site has been the subject of a recent appeal that I considered and determined. Whilst the proposal is for a similar form of development to that previously proposed, this proposal reduces the number of units, car parking spaces and size of commercial floorspace. The proposal incorporates a redesign of its street frontage elevation including a reduction in height of the frontage building.
4. I note that the proposed scheme has also been subject to amendment during the course of the Council's consideration of the planning application. This has seen the red line of the application site amended to reflect the appellant's ownership of the trees at the rear embankment and altering the position of the

rear block to increase the depth of the rear gardens by one metre. There has also been a reduction of soft landscaping within the scheme to facilitate parking provision and vehicle manoeuvring.

5. The appellant has put forward an additional plan, reference PL/385/202 Revision R. The plan shows the same proposed side elevations for the front block as determined plan reference PL/385/202 Revision Q. However, this subsequent revised plan illustrates the flank elevation to be brick whereas the previous plan showed this to be brick and tile. This information does not significantly change the proposal and, as such, the plan would not, in my view, prejudice the interests of third parties. For this reason I have had regard to this plan.
6. I have considered this proposed development afresh. As observed at my previous site visit the existing buildings at the appeal site have been demolished.

Main Issues

7. The main issues raised in respect of the proposed development are the effect on: -
 - (a) the character and appearance of the area; and
 - (b) the living conditions of existing adjoining occupiers.

Reasons

Character and appearance of the area

8. I observe that there has been no significant change to the existing development in the vicinity of the appeal site and its context. The development in the area comprises a variety of different development types, ranging from commercial premises to dwellinghouses. As previously noted the footprint and site coverage of buildings varies, as does the size, height and their set back from the highway. Some buildings extend up to the side boundaries of their plots whilst others have separation. Also in this mix are an assortment of designs, roof forms, materials and detailing, all of which contribute to a streetscene of varied character and appearance.
9. The size and scale of the proposed development, particularly that fronting onto the highway, would be greater in size and scale to that of the former existing development at the site frontage. I note that the proposed height of the front building has been reduced by approximately 1.7 metres to that of the previously proposed scheme. The height would reflect that of other existing buildings in the locality. The proposed development would occupy the full width of the appeal site and be of greater mass and bulk to that of the former frontage development. It would also be of a different design and form, particularly that of its roofscape, to that of the existing development in this locality. However, given the varied character and appearance of this streetscene the proposed development would not, in my opinion, appear significantly out of place or disproportionately visually dominant in this particular location.
10. Although the frontage block has been reduced in height I do not consider the flatted development proposed to the rear of the site would be unduly apparent

in views from Croydon Road, although I accept that it would be visible to the adjoining occupiers.

11. I note that the former development comprised two storey buildings along the southern, northern and western boundaries of the site. The proposed development would see a reduction in built development along the northern and southern boundaries of the site. The Council considers that the proposal would have a higher density than advocated by development plan policy and be a cramped and overcrowded form of development. I have had regard to the previous circumstances of the site. I have also taken into consideration the mixed character of the streetscene and site coverage of other developments in the area. I do not consider the proposed development would be excessively cramped. Nor do I consider the proposed development would be out of keeping with the development in the area or have a detrimental visual impact upon the streetscene.
12. Overall, I conclude that the proposed development would not harm the character and appearance of the area. For the reasons given, the proposed development would not materially conflict with Policy CSP18 of the Tandridge Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan 2014 – Detailed Policies that require new development, amongst other matters, to be of a high standard of design and to respect the character, setting and local context.

Living conditions of adjoining occupiers

13. Due to the orientation of the proposed frontage development to the south of 413 Croydon Road (No 413), and taking into account the height of this frontage development, it would not be significantly dominant in the outlook from this neighbouring dwelling or its rear private outdoor space.
14. The positioning of the rear block has been altered to that of the previous scheme. The proposal would bring the rear block one metre closer to No 413. Whilst the rear block would be moderately taller than the former building at the rear of this site, it would have significant separation between it and the main rear elevation of neighbouring dwelling No 413. I acknowledge that the rear flats would be visible in the outlook from internal living accommodation at No 413. However, I do not consider it would be unduly dominant in the outlook from this property.
15. I accept that the flat block would be clear in the outlook from the rear garden of No 413 but so also would have been the large building that, until recently, occupied this part of the appeal site. I do not consider that the relationship would significantly change as a result of the proposed development, taking into account the amended positioning of this rear block within the appeal site.
16. Overall, I conclude that the proposed development would not harm the living conditions of adjoining occupiers. For the reasons given, the proposed development would not materially conflict with Policy CSP18 of the Tandridge Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan 2014 – Detailed Policies. These policies seek, amongst other matters, to ensure that proposals do not significantly harm the amenities and privacy of occupiers of neighbouring properties.

Other Matters

17. I acknowledge that the proposed block to the rear would be moderately taller than the former building at the rear of the appeal site. The appellant's sunlight and daylight assessment that supports their proposal shows that appropriate levels of light would be achieved to the gardens and bedrooms of the rear block. I also acknowledge that these flats would have a greater separation to the railway embankment to that of the previous scheme. Unlike that of the previous scheme I do not consider that this proposal would experience harmful overshadowing of the living environments of future occupiers of the rear block.
18. Local concern has been raised with regard to parking problems in the area and possible highway safety and congestion issues, particularly in relation to children attending the school opposite. The Council has advised that seventeen parking spaces should be provided to accord with their adopted standards. Whilst the parking proposed would be slightly below the standards I note that Surrey County Council Highway adviser did not raise parking provision or highway safety as an issue. On the available evidence before me I do not consider highway safety would be compromised or that significant parking problems or congestion would occur as a result of the development, even at school drop off and pick up times.
19. In reaching my decision I have also had regard to concerns raised about potential flooding but neither the Council nor the Environment Agency has raised flooding as a concern. Other concerns have been raised relating to the loss of the existing dwelling that is one of a group of four, the need for houses with gardens as opposed to flats and communal outdoor space. I have not been directed to any development plan policy or land designations that would seek the retention of the existing dwelling or that would require houses to be built at the appeal site or for the need for larger communal areas within with the proposed development.
20. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

21. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
22. A condition relating to materials is appropriate in the interests of the character and appearance of the area. To minimise future carbon dioxide emissions and mitigate climate change a condition relating to on-site renewable energy is necessary. Conditions relating to the provision of vehicular access, visibility zones and visibility splays are necessary to prevent inconvenience to road users and to ensure highway safety. For the same reason conditions relating to the closing up of the existing access and reinstatement of the public footpath, cycle, parking and turning provision, and construction transport management plan are necessary. The construction transport management plan is fundamental to the acceptability of the proposal and therefore is necessary to be agreed before development takes place. A condition relating to hard and soft landscaping can ensure appropriate landscaping, boundary treatments and surfacing materials are put in place.

Conclusion

23. Having regard to the above the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE

- (a) The development hereby permitted shall begin no later than three years from the date of this decision.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos PL385 100A, 101A, 200M, 201Q, 202R, 300A, 301A, 400A, 401T, 402D, 403C, 404A and 405D.
- (c) No development shall take place 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. The development shall be carried out in accordance with the approved details.
- (d) Prior to any occupation of the development hereby permitted the solar panels specified in the application details shall be installed and this system shall thereafter be retained in accordance with the approved details for the lifetime of the development.
- (e) Prior to any occupation of the development hereby permitted, the vehicular access on to Croydon Road (B2208) and visibility zones shall be implemented in accordance with the approved drawings. No obstruction for 0.6 metres above the road surface shall take place within the visibility zones. The vehicular access and visibility zones shall thereafter be retained as such for the lifetime of the development.
- (f) Prior to any occupation of the development hereby permitted, pedestrian visibility splays measuring 2 metres by 2 metres either side of access onto Croydon Road (B2208) (the depth measured from the backs of the footway and the widths outward from the edges of the access) shall be put in place. No obstruction for 0.6 metres above ground level shall take place within the pedestrian visibility splays. The pedestrian visibility splays shall thereafter be retained as such for the lifetime of the development.
- (g) Prior to any occupation of the development hereby permitted, the existing access from the site on to Croydon Road (B2208) shall be permanently closed and the footpath, kerbs and verges shall be reinstated in full.
- (h) Prior to any occupation of the development hereby permitted, the cycle and vehicle parking spaces and vehicle turning areas shown on the approved plans shall be made available for cycle and vehicle parking and vehicle turning. The cycle and vehicle parking spaces and vehicle turning areas shall be kept available for such purposes for the lifetime of the development.
- (i) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Construction Transport Management Plan.

- (j) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The details shall include all landscaping, finished levels and contours, boundary treatments and surfacing materials. None of the units shall be occupied until the hard landscaping works have been carried out. The soft landscaping shall be carried out in accordance with the approved details.
- All new planting, seeding and turfing relating to the approved soft landscaping shall be implemented in the first planting and seeding season following the completion or occupation of any part of the development, whichever is the sooner. Any trees, plants or vegetation (including those retained as part of the development) that within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.