



Appeal Decision

Site visit made on 14 November 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 7th December 2017

Appeal Ref: APP/M3645/W/17/3178982

2 Landscape Road, Warlingham CR6 9JB

- 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 WR Newland and Sons Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2017/190, dated 31 January 2017, was refused by notice dated 11 May 2017.
 - The development proposed is demolition of the existing dwelling and the erection of 12 x 2 bed apartments with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. One of the reasons for refusal on the Council's decision notice relates to the effect of the proposal on protected species. The appellant has submitted a Preliminary Ecological Appraisal and Bat Survey Report as part of the appeal. The Council has confirmed that this addresses its concerns in respect of protected species and thus overcomes this reason for refusal. I have no substantive reasons to take a different view on this matter and I have considered the appeal on this basis.
3. The Council's decision notice makes reference to 'Southview Road' within its reason for refusal in respect of the effect of the proposal on the character and appearance of the area. This road is located some distance from the appeal site. However, the Council sets out that this is a typographical error and that it should have referred to 'Landscape Road' instead. In addition, the appellant appears to recognise that Southview Road was cited in error. I have therefore also considered the appeal on the basis that the reference to Southview Road is a typographical error.
4. The Council's officer report makes reference to a requirement for affordable housing provision. However, this does not appear to be supported by any local planning policies and the lack of provision in this regard is not cited as a reason for refusal. Furthermore, the appellant indicates that the number of residential units proposed is below the Council's threshold to trigger an affordable housing requirement. The Council has not sought to dispute this. Thus, on the basis of the evidence, it is reasonable for me to conclude that there is no requirement to provide affordable housing and I have dealt with the appeal on this basis.

5. The appellant has submitted a revised Proposed Site Plan (Ref: 2b) as part of the appeal in an attempt to overcome the Council's reason for refusal relating to refuse and recycling facilities. However, refuse and recycling facilities are also shown on the Proposed Landscaping plan (Ref: 3) submitted with the original application. The appellant has not sought to revise this plan. Therefore, were I to accept the revised plan, there would be a significant discrepancy between the proposed details shown on it and those shown on the Proposed Landscaping plan in respect of refuse and recycling facilities. Consequently, it would be unreasonable and inappropriate for me to accept the revised plan, notwithstanding that the Council has commented on it. I have therefore considered the appeal on the basis of the plans submitted as part of the original application.

Main issues

6. The main issues are the effect of the proposal on the character and appearance of the area; and whether the proposal would provide appropriate facilities for the storage and collection of refuse and recycling and if not, the effect of this on the amenity of any future occupiers.

Reasons

Character and appearance

7. The appeal site is a backland plot accessed via a long driveway which leads from Landscape Road. It comprises a two storey detached dwelling with rooms in the roofspace, and its associated front and rear gardens which are of a generous size. The area is predominantly residential in character. Dwellings in the locality display a variety of architectural styles and include detached properties and some apartment buildings, including one opposite the appeal site entrance. Other backland development in the immediate vicinity of the appeal site includes 4 Landscape Road and 96 Westhall Road, both detached dwellings set within spacious grounds. These, in my view, provide the immediate and key context to the appeal site and, along with it, afford the area a strong spatial quality. This is particularly noticeable from along a public footpath which runs along the northern boundary of the appeal site.
8. The proposal includes the demolition of the existing dwelling and the erection of a 2.5 storey building which would contain 12 apartments. I recognise that the proposed apartment building would be visually well contained in views from along Landscape Road. I also acknowledge that it would largely focus development into one part of the appeal site and would be constructed from materials sympathetic to those of other buildings in the area. In addition, on the basis that there are other apartment buildings in the locality, one here, providing that it maintained the spatial qualities of the area, would not be particularly out of keeping with the development characteristics of the area. Furthermore, the proposal, in my view and for the same reason, would be unlikely to result in an intensified use of the appeal site that would harm the residential character and amenity of the area.
9. However, the proposed apartment building would occupy a considerable width of the appeal site. Moreover, it would be of a substantially greater scale than the existing dwelling and other backland development in the area, including 4 Landscape Road and 96 Westhall Road. This would be noticeable in views from along the public footpath and, given its close proximity to this footpath,

would appear imposing for any users of it. I note that the close proximity of built form to this footpath was also a concern of the Inspector who considered a previous appeal¹ on appeal site, albeit for a different form of development. The overall width and scale of the proposal would therefore substantially erode the spatial qualities of the appeal site and its surroundings and would appear cramped and out of keeping with the prevailing pattern of development in the area. Thus, it would result in significant harm to the character and appearance of the area.

10. I note the density figures referred to by the appellant. Nevertheless whilst the density proposed may reflect that of some other plots in the area, this does not mean that the relationship of the proposed apartment building to its surroundings would be satisfactory for the reasons that I have already given.
11. The appellant cites a number of examples of planning permissions² in the area, some of which were allowed on appeal. However, most of these do not relate to backland development and some are a considerable distance from the appeal site. Therefore, they do not share the same context and are not wholly comparable to the proposal I am to consider. As such, they do not justify a planning permission in this instance. In any event, each case should be considered on its own merits.
12. I therefore conclude that the proposal would be contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 (Core Strategy) and Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan). These policies require, amongst other things, development to reflect and respect the character, setting and local context of an area, to integrate effectively with its surroundings, to reinforce local distinctiveness and to maintain or enhance the character and appearance of the area. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) which seek planning to take account of the different roles and character of different areas.

Refuse and recycling facilities

13. The Council does not appear to have provided me with any local standards in respect of waste and recycling facilities. However, the appellant has provided a document titled 'Tandridge District Council Standards for Residual Waste and Recyclables Storage and Collection Facilities at New Development'. In the absence of any evidence of other standards, I have no substantive reasons not to consider that these are the relevant ones.
14. The refuse and recycling facilities would be sited towards the entrance to the appeal site. I recognise that such a location would be conveniently placed to facilitate the Council's weekly collection of any waste and recycling generated by any future occupiers of the proposal. The Council's Recycling and Refuse Officer considers that two 1280 litre recycling bins are required. The proposal would provide two 1100 litre recycling bins. However, the Council's standards sets out how to calculate the required level of recycling storage. It gives an example in respect of development for 15 households. This indicates that 960

¹ Ref APP/M3645/A/14/2226467

² Including Ref 2005/1510- 71 Westhall Road; Ref TA/2006/1597 (allowed on appeal Ref APP/M3645/A/07/2035347)-98 Westhall Road; Ref TA/2011/1026- 116 Westhall Road; Ref TA/2014/519-40 Searchwood Road; Ref 2014/924 (allowed on appeal Ref not provided)- 94 Westhall Road; Ref 2016/1035-14 Landscape Road; and Ref TA/2016/346- 126-128 Westhall Road.

litres of recycling would be generated from such a development per week. It stands to reason that a development for 12 households would generate less. Therefore, the proposed recycling bins would appear to provide adequate capacity.

15. Nonetheless, the waste and recycling facilities would be sited considerably in excess of 30 metres from the proposed apartments. This would fail to accord with the Council's standards. Such a distance would inconvenience greatly any future occupiers of the proposal when disposing of their waste and recycling. In addition, the appellant acknowledges that the standards should be complied with.
16. I therefore conclude that the proposal would, overall, provide inappropriate waste and recycling facilities for any future occupiers of the proposal. This would have a detrimental effect on their amenity. The proposal would therefore be contrary to Policy DP7 of the Local Plan. This policy requires, amongst other things, development to provide appropriate facilities for the storage and collection of refuse and recycling materials in accordance with current standards to avoid adverse impacts on the amenities of proposed properties. This policy is consistent with the broad aims and objectives of the Framework which seek planning to secure a good standard of amenity for all future occupants of land and buildings.

Other matters

17. The proposal would occupy a location with a good level of access to local services and facilities for any future occupiers. I recognise that much of the District comprises Green Belt land and that any land that falls outside this designation, including the appeal site, should be used effectively. The appellant considers the proposal to be the most effective use of the land. I have also had regard to the appellant's argument that the Council's most recent housing needs assessment indicates that it requires a higher number of dwellings per annum than the figure set out in its Core Strategy. The Council does not appear to dispute this. On this basis, the proposal would make a useful contribution to housing supply and housing mix in the District. Nonetheless, even if the Council's housing land supply position renders the relevant policies for the supply of housing out of date, having regard to Paragraph 14 of the Framework, I consider that the adverse impacts I have identified would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute sustainable development and planning permission should not be granted.

Conclusion

18. For the reasons set out above and having regard to all other matters, including pressure on infrastructure, highway safety, outlook, noise and disturbance, privacy, light, trees, pollution, crime, views from Manor Park and flood risk, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR