



Appeal Decision

Site visit made on 13 June 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/M3645/W/19/3225606

83 Harestone Hill, Caterham CR3 6DL

- 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 Craig Brown against the decision of the Tandridge District Council.
 - The application Ref TA/2018/1376 dated 5 July 2018, was refused by notice dated 14 February 2019.
 - The development proposed is described as proposed residential dwelling on land to the rear of 83 Harestone Hill with access off Harestone Hill.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were considered by the Council prior to the determination of the planning application omitting the garage and extending the single storey utility. I have therefore considered this appeal on the basis of the plans submitted: HH/Planning/01; HH/Planning/02E, HH/Planning/03A; HH/Planning/04A; HH/Planning/05A; HH/Planning/06A and HH/Planning/07A as this is what the Council based its assessment on.

Main Issues

3. The main issues in this appeal are:
 - (i) the effect of the development on the character and appearance of the area;
 - (ii) the effect on the living conditions of the occupants of neighbouring properties; and
 - (iii) whether the development would contribute to the reduction of carbon dioxide emissions.

Reasons

Character and Appearance

4. The site is within a residential area, which is characterised by large detached properties within generous mature gardens. The appeal site forms part of the rear garden of 83 Harestone Hill which slopes up from the rear of the host property to the appeal site. The site has mature trees/planting along the boundary in neighbouring gardens, however has open views towards the rear

of properties fronting Harestone Hill. The proposed development would take access from Harestone Hill via an existing access part of an 'in and out' arrangement for the host property.

5. The proposed development would not front onto Harestone Hill, however there are pockets of development to the rear of other properties in the area which can be glimpsed between properties through the verdant gardens. Whilst some are at a higher level than properties fronting Harestone Hill visually they are unobtrusive and softened by mature trees/planting. They also appear to be at a greater distance from the properties fronting Harestone Hill than the proposed development. Notwithstanding this the proposed development would not be readily visible from the streetscene and would not be inconsistent with the prevailing spatial character of the area.
6. The proposed development would comprise a large detached two storey property, with side elevation facing the host property. Notwithstanding this due to the elevated position, the proposed development would, in my view, loom up from surrounding properties, comprising an overly dominant and overbearing form of development. Notwithstanding the existing mature trees/planting to the side boundaries and the proposed new boundary fencing and shrub planting which could be controlled by planning condition, I conclude that the effect of the proposed development would unacceptably harm the character and appearance of the area.
7. There is conflict with Policy CSP 18 of the Tandridge District Core Strategy (2008) (the Core Strategy) which requires developments to be of a high standard of design, reflecting and respecting character, setting and local context including having regard to topography of the site. There is conflict with Policies DP7 and DP8 of the Tandridge Local Plan, Part 2: Detailed Policies 2014-2029 (2014) (the Local Plan) which seek amongst other things for developments to integrate effectively with its surroundings, reflecting local distinctiveness and landscape character.
8. Policy DP7 of the Local Plan confirms that developments should conform with the guidelines as set out in any Supplementary Planning Documents. There is conflict with the Harestone Valley Design Guidance, Supplementary Planning Document (2011) (the SPD) which seeks to protect the character and appearance of the area, in particular that developments must be integrated into the existing topography and bear a positive relationship to surrounding properties.

Living Conditions

9. The proposed development includes first floor windows which would overlook Nos. 79 and 85 Harestone Hill, whilst these would not directly overlook the neighbouring properties themselves, they would overlook the private rear garden areas.
10. Properties in this area are already overlooked by one another, however the elevated position of the proposed development, its orientation and proximity to the shared boundaries would exacerbate overlooking. Despite the additional planting proposed by the appellant which could be controlled by planning condition the proposed development would create a sense of being under surveillance and to my mind would significantly diminish the enjoyment of their property.

11. I conclude that the development would unacceptably harm the living conditions of the occupants of neighbouring properties contrary to Policy CSP 18 of the Core Strategy, Policy DP7 of the Local Plan and the SPD which seek amongst other things to protect living conditions of neighbouring properties.

Reduction in carbon dioxide emissions.

12. Policy CSP 14 of the Core Strategy requires a development of this type to provide a saving of 10% in carbon dioxide emissions through the provision of renewable energy technologies. The appellant has provided basic information in the Planning Statement to confirm the intention to incorporate measures to reduce carbon dioxide emissions in accordance with the policy requirement, which include solar panels, low energy lights etc. Whilst the details provided by the appellant are limited, demonstrable evidence has not been provided to persuade me that appropriate measures could not be secured effectively through the imposition of a planning condition.
13. I conclude that the proposed development would contribute to the reduction of carbon dioxide emissions. The proposal would not conflict with Policy CSP 14 of the Core Strategy which seeks to reduce carbon dioxide emissions through sustainable construction.

Other Matters

14. I note the concerns raised by the appellant in terms of the Council's handling of the application, with regard to inconsistency with the pre-application advice given and delays in decision making. Nonetheless, these procedural concerns would not justify allowing the proposal.
15. The appellant has highlighted that the proposed development is required due to the personal circumstances of the occupants. However, limited information has been provided to confirm the needs of the occupants and how this development could fulfil them, I therefore give this limited weight.
16. My attention has been drawn by the appellant to 123 and 123A Harestone Hill, which whilst within the immediate area I could not access during my site visit and no substantive details have been provided to demonstrate that this development is directly comparable. In any event each development needs to be considered on its individual merits and circumstances against the relevant policies and taking account of other material considerations. I have reached my conclusion based on the individual merits of the appeal proposal.

Conclusion

17. I have concluded that the proposed development would contribute to the reduction of carbon dioxide emissions however this does not outweigh the harm I have identified in terms of the character and appearance of the area and effect on the living conditions of the occupants of neighbouring properties.
18. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR