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## Appeal Decision

Hearing held on 2 July 2019

Site visit made on 2 July 2019

**by Julia Gregory BSc(Hons) BTP MRTPI MCMI**

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

**Decision date: Thursday, 25 July 2019**

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**Appeal Ref: APP/M3645/W/18/3204681**

**Micawbers, 2 Westerham Road, Limpsfield, RH8 0ER**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Chartwell Land and New Homes (2) Limited against the decision of Tandridge District Council.
  - The application Ref TA/2017/2337, dated 10 November 2017, was refused by notice dated 20 April 2018.
  - The development proposed is demolition of existing dwelling house. Erection of 14 x apartments with associated access, parking, cycle and bin stores as well as garden amenities.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. Although detailed plans were submitted, the application is outline with only the layout and access to be determined. It was confirmed at the Hearing that the layout included that of each floor of the apartment block and the roofscape. The layout has implications for the scale, bulk and massing and the appearance of the building.
3. Subsequent to the refusal of planning permission, the Limpsfield Neighbourhood Plan (NP) has been made. I have taken the NP into account in my determination of the appeal. The development plan now includes the Tandridge District Local Plan 2014 detailed policies (LP), the Tandridge District Core Strategy DPD 2008 (CS) and the NP.

### Main Issues

4. The main issues are the effect on highway safety and the free flow of traffic and the effect on the character and appearance of the area.

### Reasons

#### *Highway safety*

5. CS policy CSP 12 requires regard to be had to adopted design standards and vehicle and other parking standards. LP policy DP7 sets the general policy for new development, which is generally permissive where in accordance with criteria and other policies of the plan. LP policy DP5 requires compliance with highway standards and other highways design guidance. It should not

unnecessarily impede the free flow of traffic on the existing network or create hazards to that traffic and other road users. It is to provide safe and suitable access to the site.

6. Objective 3 of the Surrey Transport Plan 2011 to 2026 is to improve road safety and the security of the travelling public in Surrey. Although not part of the development plan, this accords with the thrust of the development plan and it also accords with the National Planning Policy Framework (the Framework) paragraph 108 which anticipates that safe and suitable access to sites can be achieved for all people. Furthermore, it accords with paragraph 109 of the Framework which identifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on road safety would be severe. I attribute it substantial weight.
7. There is an existing access to Micawbers that also serves Ironstone, a detached dwelling to the south east. The access junction is with the A25 Westerham Road at the junction with Snatts Hill (C81) to the north leading to Oxted town centre. Westerham Road is curved to the southeast close to the appeal site and is subject to a 40mph speed limit.
8. The access would be widened to allow for two-way vehicle movements and regrading would take place of the existing steep access to 1:10 for the first 10 metres. It would be an improvement to the current situation, but that does not mean that it would be safe for users.
9. The development would create additional vehicular traffic movements over the existing dwelling. Based on trip data from similar types of development, there would be some 52 two way trips a day. It is estimated that the number of vehicle movements during peak hours would be one arrival and three departures in the morning peak and four arrivals and two departures in the evening peak. These would include left in and left out movements which would not create safety concerns.
10. The main concern is with the right turning in and the right turning out movements at a complex point in the highway where there are multiple traffic movements and some of the traffic on the highway is moving at speed.
11. There are some direct accesses onto the A25 nearby. There is on road parking opposite. There is also a signalled pedestrian crossing close by to the west. There is an access to the fire station and an angled access to dwellings close by to the east. There is a keep clear box marking to the Fire Station, and keep clear markings at the site access, extending across the access to the fire station and the access to the dwellings to the east. There is a right turn lane from Westerham Road to Snatts Hill where there are queues of turning traffic in the peak times, sometimes extending outside of the lane which encourages some undertaking using part of the keep clear area in front of the accesses. There are also queues of traffic in peak times exiting Snatts Hill turning in both directions.
12. There would also be pedestrian and cyclist movements from Ironstone along the access, and from occupiers of the proposed apartments if they did not use the steps to the footway below. There would also be some pedestrian activity associated with the refuse bin on the access where there would be no footway. Also, there could be pedestrians walking on the carriageway from further to the

east as there are several dwellings leading from the access there and no footway until after the Micawbers access.

13. Within the immediate proximity of the access on the highway there would therefore be multiple different traffic movements, some at speed. Vehicles turning right would be obscured by vehicles in the turning lane to Snatts Hill. A driver exiting the site towards the east would have to traverse the traffic from the east, then the right turn lane to Snatts Hill and then look in the opposite direction for traffic from the west and from Snatts Hill where drivers would be looking in the opposite direction for a break in traffic and accelerating out of the junction. The oblique angle of the Snatts Hill junction and the vertical alignment of that junction make for additional hazards.
14. Vehicles accessing the site from the west would do the opposite manoeuvre, slowing unexpectedly to cross the right turn lane, obstructing at right angles the turning lane and the waiting to cross traffic coming from the east.
15. There would also be vehicles wishing to access Snatts Hill and trying to access the turning lane, and those exiting Snatts Hill that would have to turn unexpectedly just after exiting Snatts Hill trying to cross the turning lane, with the potential for shunt accidents.
16. There has been a history of recorded injury accidents near the junction with five accidents in the five-year period 1 January 2012 to 31 October 2017. Three of the five accidents were due to turning movements. All resulted in slight injuries.
17. This is not the whole picture because I heard evidence at the Hearing of accidents resulting in damage to vehicles which have not been recorded and also of a fatality in the more distant past. I note that 2 of the five accidents involved drivers under the influence of alcohol. I appreciate also that the five-year rolling period again would show a different picture, but any lack of injury accidents more recently is fortunate. The A25 is a busy road and there are multiple hazards for drivers, cyclists and pedestrians where at peak times rapid acceleration may be required. The development would add more vehicles making difficult manoeuvres on the busy highway.
18. On the basis of the submitted calculation of 34.7mph eastbound and 35.7mph westbound at the 85<sup>th</sup> percentile (wet weather adjustment), the Highway Authority initially concluded that the visibility splays to be provided would accord with the guidance in Manual for Streets 2 of 53m to the west and 55m to the east. The forward visibility would be improved at 1.0m out from edge of the carriageway to 120m at a height of 1.05m.
19. Nonetheless, evidence was presented that if the Design Manual for Roads and Bridges standard were to be used instead of Manual for Streets, then 2.4m by 120m visibility splays would be required which would not be achieved. Given that there are significant periods of time outside peak periods when traffic flows freely and when the 40mph speed limit is exceeded by traffic approaching from the east, this adds to my concerns.
20. I acknowledge that there have been representations from users of the existing access that the right turn manoeuvres can be undertaken safely without detriment to highway safety of users of the A25. Nonetheless, the development would give rise to increase in traffic movements in an area which has already

seen accidents and at an access where there has already been an increase in traffic as a result of the building of Ironside since two previous proposals in the 1980's were refused planning permission on highway safety grounds.

21. I conclude that there would be an unacceptable impact on highway safety and the free flow of traffic.

*Character and appearance*

22. LP policy DP7 seeks a high quality of design for all new development. It is expected to integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character. The proposal should respect and contribute to the distinctive character, appearance and amenity of the area in which it is located. The built form is expected to be in keeping with the prevailing landscape/streetscape, reflecting the variety of local building types. It should not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design. Existing trees should be retained.
23. LP policy DP8 relates to the development of residential garden land. It requires it to be appropriate to the surrounding area in terms of land use, size and scale. It should maintain, or where possible, enhance the character and appearance of the area reflecting the variety of local dwelling types.
24. CS policy CSP 18 requires development to be of a high standard of design that must reflect and respect the character, setting and local context including those features which contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained. The Council will protect the wooded hillsides in the built-up areas by ensuring that new development does not adversely affect the character of those areas and that there is no overall loss of tree cover.
25. The development would be located on steeply rising land adjacent to Westerham Road. The apartment block would be located within a wooded hillside which is defined on the proposals map. The dwelling that would be demolished is not a listed building, but it is a building of some character. Nonetheless, in principle there is no reason to oppose its demolition.
26. The NP includes the site within the built-up area boundary and policies LPN2 and LPN3 also expect development to reflect its context. The south side of Westerham Road including the appeal site forms part of Limsfield South described in the Limsfield Heritage and Character Assessment. That assessment identifies that the aspects of the area that should be retained and protected and enhanced are the distinctive wooded character, the verdant character of streets as a result of tree cover and well vegetated boundaries, and concealed houses with off-street parking that limits the perceived influence of development in the area.
27. The layout indicates that the building would be substantial in size, some 36.5 m in length parallel to Westerham Road, and of substantial height with a fourth storey in the substantial roof layout. It is likely that it would be almost 13m in height. It would be positioned much further forward on the plot than the existing dwelling and an area of land would be increased in height at the front of the building where there is currently steep banking above Westerham Road.

- There would be a line of king posts and a pre-cast panel retaining structure at the edge of the filled area.
28. Various trees and bushes would be removed and there would be little space for effective replacement planting in this engineered area. Given the close proximity that the building with multiple window openings would have to the bank and planting, and the need to allow good safe access for pedestrians up the footpath steps, I consider that there would also be a high likelihood that there would be requests for further removal of trees and bushes from future residents.
29. The details of the elevations are not for my consideration, but the layout would be 4 storeys. Given the works proposed to the bank and the likelihood of works to the footpath and steps, and the proximity of the mass and bulk of the building to that starkly altered engineered bank at height, I consider that the building and retaining structure would, even with some trees retained, be a dominating presence on the hillside at odds with its wooded surroundings. The building and engineering works would be located in a prominent location opposite Snatts Hill where views would be directly up towards the hillside and so would be particularly noticeable.
30. Instead of a dwelling being subservient and screened on the wooded hillside, the building would be obtrusive, the topography altered and there would be a significant erosion of this currently relatively natural verdant setting. The amount of site coverage by building, outbuildings and car parking and the scale, bulk and massing of the building would be entirely at odds with neighbouring properties and their plots. The intensity of occupation would have an inevitable effect on the character of the area with more comings and goings and general activity in the area.
31. There would also be removal of vegetation and a tree from the parking area and hard surfacing would cover extensive areas of land to provide for some 21 car parking spaces. There would be engineering works on the south east corner of the car park that would also lead to the removal of some substantial planting. Instead of a building and hard surfacing being subservient to the landscape, it would be the built development and hard surfacing that would be dominant.
32. A bin store would be introduced close to the corner of the junction which appears from the layout plan to be unenclosed. This would erode planting and increase hard surfacing. Bins would not provide an attractive entrance to the access and would adversely affect the street scene contrary to LP policy DP7.
33. I note another appeal scheme brought to my attention at Green Hedges, in Document 7, but that was in respect of a site with very different characteristics. Whilst CS policy CSP 19 promotes higher densities for new development, that is not at the expense of character and appearance. Although it would be at a lower density than promoted by the policy the development scheme proposed here would be in conflict with the local character and distinctiveness of the area.
34. Whilst no trees covered by tree preservation orders would be harmed and much of the vegetation could not be protected by a tree preservation order, that does not take away from the impact of the development. It would harm the character and appearance of the area, contrary to the development plan.

### *Other matters*

35. Neighbours have raised concerns about the effect on their privacy and living conditions. Much would change in the appearance of the site. I have already considered this more generally in terms of the effect on the character and appearance of the area. Nonetheless, the building would be far enough away from neighbouring dwellings to not be unduly oppressive on outlook or privacy generally, but that does not mean that there would not be an increased assertiveness of the building and an increased density of occupation. That would not be to an unreasonable degree in terms of living conditions, albeit that I have already discussed the change in character and appearance generally.
36. There have been various issues raised in respect of works to the driveway which is shared with Ironstone and works close to common boundaries. These are private matters that would need to be resolved between the parties. There have been other matters raised including drainage, construction management and car parking provision. These are capable of being resolved by the use of planning conditions.

### *Balancing*

37. The Government is seeking to significantly boost the supply of homes. It is common ground that the Council does not have a five-year housing land supply (HLS) at the present time. The Annual Monitoring report identifies it as 3.36 years supply against its objectively assessed need but only 2.45 years supply against the MHCLG Standard Methodology. The Council is seeking to resolve that matter by allocations in a forthcoming LP, but that has yet to be examined and adopted.
38. It is not disputed that the site lies within the urban area, in a Category 1 settlement where development is envisaged, where in principle new housing development is not opposed. That is not proposed to change in the proposed new local plan. The development would be consistent with the Framework in so far as it promotes development well related in location to existing settlements.
39. Where there is not a five-year HLS, Framework paragraph 11d footnote 7 identifies that policies most important for determining the application should be considered out of date. Paragraph 11d then indicates that where the policies most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
40. Fundamental to the policies of the Framework is the achievement of sustainable development. The development would provide 14 homes in a location close to shops, services and transport links, which are within walking distance. The provision of housing that could be built out relatively speedily in an accessible location at a time when there is substantial under supply against the standard methodology figure is a matter to which I attach substantial weight. I have no doubt that the apartments could provide good internal living conditions and adequate amenity space.
41. Nonetheless, future residents would be faced with perilous highway conditions to access their homes from Westerham Road even with the signal crossing

- nearby because of the hazardous walking, cycling and driving conditions at the junction. There would be hazards to users of the A25 and Snatts Hill because of the increased use of the access. It would not provide a safe built environment as required by the social objective of sustainable development.
42. Furthermore, although it would make a more intensive use of land, it would erode the verdant hillside and impose engineering works and a large block of development, of a scale, bulk and massing at odds with its surroundings. It would not contribute to protecting and enhancing the built environment. It would be contrary to the environmental objective of sustainability.
43. There would be some economic benefits accruing from the construction contract and the spending and economic contribution of future residents. Nonetheless, overall, for the reasons given, I conclude that it would not achieve a safe and well-designed place which would add to the overall quality of the area. Neither would it be visually attractive and sympathetic to its surroundings, including its surrounding built environment and landscape setting as advocated by the Framework. The considerable weight of these matters would mean that the development would not be sustainable. The adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
44. Paragraph 14 of the Framework in respect of conflict with the NP does not apply to this case because the Council has less than 3 years HLS against the standard methodology. Nonetheless, substantial weight should be accorded to the conflict with the development plan policies already referred to which are consistent with the Framework. The Framework tilted balance contained in paragraph 11d)ii does not outweigh its provisions.
45. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Julia Gregory*

Inspector

## APPEARANCES

### FOR THE APPELLANT:

|                 |                          |
|-----------------|--------------------------|
| Joe Alderman    | RE Planning Ltd          |
| David McMurtary | Motion                   |
| Robert Anderson | Chartwell Property Group |

### FOR THE LOCAL PLANNING AUTHORITY:

|                |                                          |
|----------------|------------------------------------------|
| James Amos     | Regulatory Specialist                    |
| Michelle Edser | East Team Manager, Surrey County Council |

### INTERESTED PERSONS:

|                     |                                                                        |
|---------------------|------------------------------------------------------------------------|
| Peter Hayward       | Island Highway and Transport for Mr and Mrs Blackwell, local residents |
| John Nathan         | Local resident                                                         |
| Andrew McNaughton   | Rymack Properties Ltd for Mr and Mrs Blackwell, local residents        |
| Clare Blackwell     | Local resident                                                         |
| Cllr Phil Davies    | Ward Councillor for Limpsfield                                         |
| Michael Wallace     | Local Resident                                                         |
| Thomas Briggs       | Limpsfield Parish Council                                              |
| Eric Fosdike        | Local resident                                                         |
| Ashley Fosdike      | Limpsfield Parish Council                                              |
| Christopher Broster | Local resident                                                         |
| Ian Tait            | Local resident                                                         |

### DOCUMENTS SUBMITTED AT THE HEARING

- 1 Tandridge Authority's Monitoring Report (2018)
- 2 Extract from Proposals Map
- 3 Statement of Thomas Briggs
- 4 Statement of Limpsfield Parish Council
- 5 Statement of John Nathan
- 6 Email correspondence between Motion and Tandridge regarding speed survey
- 7 Appeal decision APP/M3645/W/17/3178778 Green Hedges, Westerham Road, Limpsfield and accompanying plans
- 8 Tandridge Parking Standards Supplementary Planning Document September 2012