



Appeal Decision

Site visit made on 6 August 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/M3645/W/19/3227371 Hoders, Woodhurst Park, Oxted RH8 9HA

- 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 Signature Oxted Limited against the decision of Tandridge District Council.
 - The application Ref TA/2017/1624, dated 28 July 2017, was refused by notice dated 4 April 2019.
 - The development proposed is the erection of two detached houses (one x five bed and one x six bed) with garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and surrounding area; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to sense of enclosure and overlooking.

Reasons

Character and appearance

3. The site forms part of the garden land of Hoders which sits on an expansive garden plot located behind Woodhurst Park. The immediate area would once have formed part of the original Hoders estate, and over time several properties have been constructed on large plots in the former grounds. The appeal scheme proposes a long access road into the main part of the site which is located on a broadly rectangular area of the garden. The garden slopes down from the direction of Hoders towards the river which forms the southern boundary of the site, and also forms the boundary with the adjoining property known as 'Little Dawyck'.
4. Hoders is a former estate house which has been enlarged subdivided over an extended period of time. The main house is viewed as being a two-storey dwelling with two double bay fronts, with the part of the building that now comprises the third double bay having been subdivided and is now known as 'Hoders End'. The older part of the original property has also been subdivided and is known as 'Cards House', which is Grade II Listed. To the front of Hoders

is the access drive that enables access to Hoders and Hoders End, the top part of which would also be utilised for shared access to the appeal site.

5. The access road would be raised by over 2 metres in parts as shown in the section plans. The topography of the site is such that the access would be located along the lower part of the site and as a result, its visual impact when viewed from the host dwelling would be limited. There would also be relatively limited views of the access from other adjoining properties, with the exception of Cards House. However, part of the curtilage of Cards House looks into the existing access into Hoders which would be shared. The upper part of the existing access closest to Hoders is not proposed to be altered to any significant degree, albeit the area of land that would be raised for the purpose of creating the site access would be visible from Cards House albeit some distance away. From my site visit, I observed that the land slopes away in this part of the site which limits its visibility and impact from surrounding properties, and as such, I consider that the proposed raised access would only result in a minimal impact on the character and appearance of the site and surrounding area.
6. Whilst the overall site is relatively generously proportioned, when subdivided by the appeal site it would nonetheless be substantially smaller than most of the properties in the immediate environs in this part of Wilderness Road and Woodhurst Park. The two proposed dwellings are sited close together with very limited separation distance between the southern corner of plot 1 and the northern corner of plot 2. Each of the dwellings would fill almost the entire width of their plot unlike the surrounding properties which have greater distances between the dwellings and their respective site boundaries. Most of the dwellings in the vicinity are also set further apart than the two dwellings proposed.
7. The effect created by the close proximity of the two plots to each other would give the appearance of a significantly more dense form of development than the surrounding properties. Whilst it is noted that Hoders, Hoders End and Cards House have flank or side boundaries in very close proximity, these have been created as a result of historic subdivision of what was previously a more expansive dwelling. As such, they have not been recently introduced as newly constructed dwellings within the site's curtilage. Therefore, I consider that the scale, siting and proximity of the proposed dwellings relative to each other and the plot boundaries would result in a cramped form of development which would be out of keeping with the established pattern of dwellings in the surrounding area.
8. I note that the appellant has indicated that the homes have been designed in a traditional style with distinctive detailing. Whilst I acknowledge that the design has been carefully considered, due to the harm I have identified to the character and appearance of the area, this does not alter my conclusions.
9. The scale of the dwellings covering the full width of the plots, along with their siting being in close proximity to the boundary of neighbouring properties and to their own boundaries would result in a cramped form of development. I conclude that this would result in harm to the character and appearance of the site and surrounding area. As such, it would conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) (the CS) which states, amongst other things, that development is of a high standard of design that must reflect and

respect the character, setting and local context that contribute to local distinctiveness. The proposal would also conflict with Policies DP7(B) and DP8(2) of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (the LP) which address amongst other things, that proposals contribute to the distinctive character and appearance in the area, that the proposal does not result in overdevelopment or unacceptable intensification, and that the redevelopment of residential garden land will be permitted where it maintains or where possible enhances the character and appearance of the area.

10. Paragraph 130 of the National Planning Policy Framework (the Framework) states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. I consider that due to the scale, siting and proximity of the proposal to the plot boundaries resulting in cramping, that the proposal would fail to improve the character of the area and as a result not comply with the Framework.

Living conditions

11. The appeal site is generally well screened along its boundaries with a number of large mature trees and vegetation which break up the views from the eastern and south eastern aspects. Plot 2 has been positioned in close proximity to the boundary of neighbouring property known as 'Robinslade'. This boundary currently includes mature planting which when in leaf, would provide some screening from the proposal. A 1.8 metre high brick faced retaining wall is proposed along this part of the boundary, which adjoins the end of the long rear garden of Robinslade with the appeal site. Whilst the proposed dwellings would be visible from Hoders End, these views would be interrupted due to the intervening tree which would be retained. This intervening screening would limit the effect of the development on Hoders End.
12. However, notwithstanding the available screening, the ridge height of the proposed dwelling at plot 2 would be approximately 8.5 metres high according to the appellant's plans. Whilst I note that the dwelling would be set lower than the neighbouring properties, the proximity of a dwelling of this scale and height so close to the boundary of Robinslade would result in an increased sense of enclosure to their rear garden. Whilst plot 2 has been designed in a manner to limit overlooking the rear garden of Robinslade, and intervening landscaping being taken into account, the dormer window of bedroom 5 within the roof area would be able to view directly into the garden resulting in overlooking. In light of the height of this window and the distance to the boundary, I do not consider that the proposed boundary wall would provide sufficient mitigation. As such, the proximity of the dwelling and lack of separation would as a result have an overbearing effect on the rear garden and result in harm to the living conditions of the adjoining property due to sense of enclosure and overlooking.
13. The orientation of the proposal is such that direct sight lines would be possible between plot 1 and Wilderness Cottage located to the north east. Whilst there would be a degree separation between the cottage and the north eastern elevation of plot 1, the height of the proposed dwelling would be 8.4 metres as measured by the appellant. This height, along with a dormer bedroom within the roof space would allow overlooking into the upper floor of Wilderness Cottage from a proposed bedroom. I have considered the proposed separation distances between the cottage and plot 2 in the context of the wider character

of the area. Policy DP7 of the LP requires a minimum privacy distance of 22 metres but goes on to say that this may need to be extended where parts of gardens immediately adjoin dwellings or where sites are sloping. Despite there being just over 23 metres between the neighbouring property and the edge of the dormer according to the section plans, in light of the significant height of the proposed dwelling, the site's sloping aspect and the presence of rooms in the roof space overlooking would still be possible. As such, the separation distance proposed on this sloping site would still result in an unacceptable impact on the living conditions of the occupiers of adjoining properties. Therefore, having regard to these factors I consider that the 22 metres separation distance would be insufficient in this instance.

14. In light of the above, I conclude that the effects of the proposed development would result in harm to the living conditions of the occupiers of adjoining properties, with particular regard to sense of enclosure and overlooking. The proposal would therefore be contrary to Policy CSP18 of the CS which states that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Furthermore, it would also be contrary to Policy DP7(B) of the LP which states that proposals should not significantly harm the amenity and privacy of occupiers of neighbouring properties by reason of overlooking, overshadowing or overbearing effect.
15. Paragraph 54 of the Framework considers whether unacceptable development could be made acceptable through the use of conditions. Whilst there is currently some boundary screening available between the dwellings and Wilderness Cottage, due to the height of the proposed dwelling this would not adequately mitigate the effect of overlooking. I do not consider that a condition requiring additional screening would be able to mitigate the harm I have identified.

Other Matters

16. The appellant has drawn my attention to the scheme being acceptable in principle as it is inside the development boundary where residential development is usually acceptable and there is a precedent for similar proposals as a result of a nearby consented scheme. Whilst the scheme may be located inside the development boundary for the settlement, this is not an automatic acceptance of a proposal for residential development if there are other matters raised that give rise to a conflict with the development plan. I have considered such matters which are identified in the main issues above and have identified harm, and as such, the fact the site is within the development boundary does not alter my conclusions in this regard.
17. In terms of the matter of precedent, schemes referred to by the appellant include a proposal for four detached dwellings in a separate location 200 metres from the appeal site in Wilderness Road. The principle of this scheme appears to have already been established by an earlier permission that I do not have full details of, but I note that the design and layout are such that separation distances and the siting of these dwellings on their plots appears more spacious than the appeal site. My attention has also been directed to a further proposal for the demolition of a dwelling and erection of 3 detached houses in West Hill which results in dwellings created in plots that are more closely aligned to the surrounding pattern of development. Due to the

orientation of that particular scheme, matters of overlooking or overbearing do not appear prevalent. Both of these schemes are materially different from the proposal in front of me and are therefore of limited relevance in my consideration of this appeal.

18. Representations also raised issues in relation to the risk of flooding, the increase in traffic and availability of parking, the impact on property values, the impact on heritage assets and the effect on trees and biodiversity. As the site is partially in an area of increased flood risk, a flood risk assessment has been carried out which demonstrated that the development would be acceptable if the dwellings were sited in the part of the site at lowest flood risk (zone 1) and there would be no outstanding objections from the Environment Agency if conditions were imposed. Details of the works to trees and landscaping have been provided and no important trees would be harmed by the proposal.
19. A heritage statement was provided with the application which considered the effects on heritage assets, and subject to revisions, this confirmed that the Historic Buildings Officer found no harm to the heritage asset. No objections were also raised by Historic England in this regard. Whilst I acknowledge concerns regarding heritage assets relating to the setting, as I have not found harm regarding the access arrangements these have not altered my conclusions.

Conclusion

20. Taking all matters into consideration, for the reasons set out above, the appeal is dismissed.

P Mileham

INSPECTOR