



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/19/3229015

97 Foxon Lane, Caterham CR3 5SJ

- 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 Peter Gilbert against the decision of Tandridge District Council.
 - The application Ref TA/2019/1, dated 30 November 2018, was refused by notice dated 6 March 2019.
 - The development proposed is a 4 bedroom detached dwelling with associated parking.
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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 area; and
 - the living conditions of adjoining occupiers, with particular regard to a sense of enclosure.

Reasons

Character and appearance

3. The appeal site comprises the side garden land of No. 97 Foxon Lane which is a large two storey semi-detached dwelling. The host property is one of two pairs of similar two storey semi-detached properties that it has been indicated were constructed at the time when the area was formerly part of a now disused Royal Air Force base. These two pairs of semi-detached dwellings (No.93 and 95 and 97 and 99) are distinctly larger than other semi-detached properties in the street and whilst there is no prevailing style and mix of properties in the area, these 4 dwellings have a distinct character of their own. The site currently includes an existing single garage and 3 large trees sited to the front which would be removed. To the rear of the property there is a mature hedging boundary including several other large trees two of which would also be removed.
4. The proposed development would introduce a detached dwelling in between the pairs of semi-detached properties. The rhythm of the existing pattern of development created by the two pairs of semi-detached properties would be broken through the introduction of the proposed dwelling. Whilst I recognise

there are a mix of styles of dwelling in the wider street scene, the two pairs of semi-detached properties make a significant positive contribution to the character of this part of Foxon Lane. The proposed dwelling would result in a narrow plot and a dwelling which would fill almost its entire width. This would result in a cramped form of development with a limited separation distance with No.97. Whilst it is recognised that the proposal has been designed to be similar in size in terms of height of the host property, the dwelling would still be only 2 metres away from the side of No.97. The scale, bulk and massing of the proposed dwelling would result in harm to the character and appearance of the area by adversely changing the pattern of development.

5. The neighbouring property at no.95 includes a large single storey garage located in front of the dwelling. The introduction of the proposed detached dwelling between the pairs, in combination with the frontage garage, would eliminate the current visual separation of the dwellings when viewed from Foxon Lane. This intensification of built frontage would further harm the character and appearance of the area.
6. The appellant has indicated that the proposal has been designed in a manner to respect the existing dwellings including the use of matching materials. Whilst I acknowledge that the materials used would be in-keeping with the existing dwellings, this does not outweigh the harm I have identified.
7. I conclude that the proposal would result in harm to the character and appearance of the area due to the adverse change in the pattern of development in the area and the cramped form of development. This would be contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) which requires that new development is of a high standard of design, and Policies DP7(B)(2) and DP8(A)(1) of the Tandridge Local Plan Part 2: Detailed Policies (2014) which state that permission will be granted where the proposed is in-keeping with the prevailing streetscape and that the redevelopment of garden land will be permitted only if the scheme is appropriate to the surrounding area.

Living conditions

8. To the south of the appeal site is the second of the abovementioned pairs of semi-detached dwellings. The proposed dwelling would fill almost the entire width of the plot and would result in a dwelling very close proximity to the boundary of No.95. From my site visit, I observed that No.95 has an area of lawned side garden, which would provide a satisfactory separation distance from the proposed dwelling. As such, this would not lead to an unacceptable level of a sense of enclosure.
9. The side gable wall of No.95 contains a number of windows, and the property is set slightly higher than the appeal site. As such, whilst the siting of the proposed dwelling would be close to the side boundary, the extent of the side garden, the availability of a significant rear garden and the change in levels would only result in some minimal overbearing impact being experienced. Due to the absence of habitable windows in the southern elevation of the appeal property, I do not find there would be any harmful effects due to overlooking. As such the relationship between the proposed dwelling and No. 95 would be acceptable.

10. In light of the above, I conclude that the proposal would not harm the living conditions of adjoining occupiers, with particular regard to a sense of enclosure. As such, the proposal would accord with Policy CSP18 of the Tandridge District Core Strategy (2008) which states that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing or visual intrusion. The proposal would also accord with Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014) which seeks to ensure that proposals do not harm the amenities and privacy of occupiers of neighbouring properties by reason of overlooking or its overshadowing or overbearing effect.

Other Matters

11. Representations have raised other concerns including suggesting the proposal will adversely impact traffic and parking, would result in surface water drainage concerns and cause harm to trees and biodiversity on site.
12. An ecological survey was provided which indicated that the site was of low ecological value and that further planting could mitigate that which would be lost. Furthermore, the appellant has indicated that the site is at low probability of flooding and that surface water will be discharged to soakaways, there is no cogent evidence before me to suggest that these matters cannot be satisfactorily dealt with. Sufficient parking has been provided for the proposed dwelling, and the driveway is of sufficient size to allow additional parking if required. As such, a single additional dwelling would be unlikely to result in anything more than a minimal impact on traffic using Foxon Lane.
13. The appellant has referred to a number of matters relating to the subdivision of the plot identified during pre-application advice from the Council. The Council has indicated the pre-application advice was provided on a materially different scheme. Nonetheless, such advice would not be binding on the Council in reaching its decision. I must determine the appeal on the basis of the scheme before the Council when it made its decision and I have concluded that it is unacceptable.

Conclusion

14. Notwithstanding my conclusions in respect of the effects of the proposed development on the living conditions of adjoining occupiers, due to the harm to the character and appearance of the area the proposal does not accord with the Development Plan as a whole.
15. For the reasons given above, I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR