



Appeal Decision

Site visit made on 16 July 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/M3645/W/19/3224345

Project House, Morris Road, South Nutfield, Surrey RH1 5SA

- 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 GardenLink Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2018/2421, dated 10 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed is demolition of factory and erection of 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site lies within a defined village in the Green Belt. The partial or complete redevelopment of this previously developed land is considered acceptable to the Council. They do not object to the loss of commercial land or to the principle of residential development on the site. I have no reason to disagree with these conclusions.

Main Issues

3. The main issues therefore are (a) the effect of the development on the character and appearance of the area, (b) the impact of the development on the living conditions of the occupiers of neighbouring dwellings and (c) the adequacy of the garden areas for future occupiers.

Reasons

Character and appearance

4. Project House is a sprawling single storey light industrial and storage building that occupies most of the appeal site; there is an open storage area to its northern side. The site is bound by housing to all sides and located within a predominantly residential area. Vehicular access is from Morris Road to its eastern side where there is a small parking area. Land levels within the site are generally flat but rise sharply close to the southern boundary and to a lesser extent rise also beyond the northern boundary.
5. Most dwellings in the immediately surrounding area are two storey houses. Their form is mixed and includes detached, semi-detached and terraced houses of various ages, sizes and designs. Few have rooms in the roof, but there are some three storey buildings nearby. Nos. 6, 8 and 10 Morris Road are bungalows. Nearly all dwellings front a road though there is some informality in

layout arising from the curvature of these roads. Most dwellings have large gardens which enables reasonable separation between buildings. To the east of the site in Morris Road there is a row of older houses with steep pitched roofs. To the north and west in Kings Mead are terraced houses and their back gardens; these are smaller houses with shallow pitched roofs. To the south of the site is 36a Morris Road, a new, large detached house on an infill plot.

6. The proposed houses would be arranged in an L-shape around a communal parking area at the end of this spur to Morris Road. The mixture of detached and semi-detached houses with hips and gable ends to their pitched roofs sited to front a continuation to Morris Road would be in keeping with the pattern of development in the surrounding area. There would generally be a satisfactory relationship between the proposed buildings although the outlook on plot 1 from the lounge window and bedroom above would be compromised to a degree by the close siting of the flank wall to the house on plot 2. In this respect and in relation to the proximity of the houses to the site boundaries the proposal would have a cramped character in comparison with the more spacious pattern of development in the surrounding area. This would be accentuated by the relatively bulky nature of the semi-detached houses with rooms in the steep pitched roofs served by either gable windows or rooflights.
7. The proposal would thereby conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) that requires new development to be of a high design that reflects and respects the character, setting and local context. There would also be conflict with Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (TLP), a general policy for new development, that in relation to 'Built form' requires a proposal to be in keeping with the prevailing streetscape and not to result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height and spacing.
8. The appellant points out that at a pro-rata density of 33 dwellings per hectare, the proposal would fall within the target density range for built up areas as set out in the development plan (Policy CSP19 of the CS). However, on relatively small sites such as this, density needs to be balanced by consideration of other factors that may constrain development potential. Paragraph 117 of the National Planning Policy Framework states that planning decisions should *"promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions"*.

Living conditions

9. The dwelling to the south of the site, 36a Morris Road, has an east-west orientation; its flank wall facing the appeal site has only secondary windows but is located close to the site boundary. The houses on plots 2-5 would have rear gardens with a depth of less than 7m. The separation distance between their principal rear windows and the flank elevation of this neighbouring dwelling would be significantly less than the 14m recommended in the privacy section to Policy DP7. The impact on the occupiers of 36a Morris Road would be offset to some degree by the change in land levels, the new dwellings being on lower ground by 2.33m according to the plans. Nonetheless, the first floor rear facing bedroom window to the house on plot 2 would overlook the rear part of the back garden to no.36a from close quarters and afford oblique views of its rear windows. The degree of overlooking and the overbearing impact arising

from the proximity of the proposal would be contrary to the provisions of Policy DP7 that require proposals to *"not significantly harm the amenities and privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking or its overshadowing or overbearing effect"*.

10. The rear garden to the house on plot 1 would have a depth of only about 6.6m, backing on to the rear gardens to 21 and 22 Kings Mead. These houses are on higher ground than the appeal site by about 0.8m. The appellant has submitted a block plan with the appeal that shows a separation distance of 15.25m between the rear windows to the house on plot 1 and those at the rear of 21 and 22 Kings Mead. This is considerably less than the minimum distance of 22m recommended in Policy DP7 where facing windows from habitable rooms would be in direct alignment. The relationship in this instance would be not be of direct alignment but more angled; nonetheless there would still be intervisibility between the windows at a relatively short distance. In my judgement the effect on living conditions at 21 and 22 Kings Mead and in their back garden would conflict with Policy DP7 in respect of the extent of overlooking and the overbearing impact.
11. The appellant suggests that the separation distance would be similar to that between existing dwellings at 24 and 23 Kings Mead; but there is a rear to flank relationship between these dwellings that does not result in the same loss of privacy. The appellant also considers that the relationship between all dwellings proposed and neighbouring houses would be little different to that commonplace in an urban setting and would not result in material harm to the living conditions of adjacent occupiers. However, my findings are that the proposal would result in overlooking and overbearing impacts to a greater degree than occurs in the layout of dwellings surrounding the appeal site and that the harm arising would conflict with Policy DP7.
12. The proposal includes 5 parking spaces adjacent to the northern boundary close to the flank wall and front garden to 26 Kings Mead. The appellant claims that this area has been used for parking in association with the commercial use of the site, but at the time of my site visit it was being used exclusively for external storage. The parking area would be on lower ground than that at 26 Kings Mead and would also be close to that dwelling's own front garden parking. Having regard to the limited number of spaces proposed and the relatively few vehicle movements likely to be associated with ordinary residential occupation, I consider that any noise or disturbance arising from car doors slamming, the revving of engines and vehicle movements would not be so great as to warrant dismissal of the appeal on this ground. This aspect of the proposal would not conflict with the parts of Policies CSP18 and DP7 that seek to protect the amenities of occupiers of neighbouring properties in relation to noise, traffic or other general disturbance.

Garden areas

13. The Council does not have specific standards for the quantum of private amenity space for new residential development but relies on the general guidance within Policy DP7 which requires the provision of *"appropriate facilities for individual and communal use including bicycle storage, amenity areas and garden areas (proportionate to the size of the residential units and appropriate for the intended occupiers)"*.

14. All proposed houses would have shallow rear gardens due to the configuration of buildings to site boundaries. However, the width of the proposed gardens to plots 1 and 2 would compensate for this resulting in garden areas in the region of 150 square metres according to the appellant's figures. This size of garden would be satisfactory and proportionate to the 3 bedroom dwellings proposed.
15. The dwellings at plots 3, 4 and 5 would have garden areas in the region of 60 square metres. Moreover, the outlook across these shallow gardens would be to a retaining wall and above this the flank wall of 36a Morris Road. The standard of amenity space for the occupiers of these three houses would be significantly less than that which is commonplace in the surrounding area and in my judgement small for a family dwelling. The appellant has pointed out that the rear garden to 25 Kings Mead is smaller than these, but that relates to a small mid terrace two storey house with an unimpeded outlook whereas the proposal is for 3 bedroom dwellings with accommodation arranged over three floors. The shortfall in amenity space provision for the houses on plots 3, 4 and 5 would adversely impact on the amenities of their future occupiers and would be contrary to Policy DP7.

Other matters

16. The proposal would result in the benefit of 5 additional dwellings that would contribute towards the general housing need. It would also remove an employment site from an otherwise residential area, although I have not been presented with any evidence that the use of this site has caused nuisance to the occupiers of neighbouring dwellings. However, these benefits would be significantly and demonstrably outweighed by the harm arising to the character of the area and to the living conditions of adjacent occupiers that I have described.
17. I acknowledge that the appellant entered pre-application discussions with the Council and that the proposal follows refusal of the appellant's second planning application in which changes had been made to address the Council's concerns. Nonetheless, I have concluded that most of their concerns remain justified.
18. I have noted the representations from interested parties on the proposal. Nutfield Parish Council has also referred to covenants in relation to the site and Morris Road but as the appeal is to be dismissed there would not be any change in these arrangements.

Conclusion

19. The proposal would have a detrimental effect on the character and appearance of the area, impact on the living conditions of the occupiers of neighbouring dwellings in relation to overlooking and its overbearing effect and result in insufficient garden areas for future occupiers of plots 3, 4 and 5. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR