



Appeal Decision

Site visit made on 24 September 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/M3645/D/19/3233077

36 Tupwood Lane, Caterham, CR3 6DA

- 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 Ms R Crawford against the decision of Tandridge District Council.
 - The application Ref: TA/2019/716 dated 8 April 2019, was refused by notice dated 8 July 2019.
 - The development proposed is described as conversion of loft space for new level of accommodation with external alterations to finishes.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the original planning application form is set out in the banner heading above. The Council's decision notice and the appellant's appeal form set it out as 'raising and enlargement of roof to create first floor involving alterations to elevations'. I consider that this more accurately describes the development before me, because of the nature of the proposed changes to the first floor and roof. The Council has dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the host property and the area.

Reasons

4. The appeal site comprises a detached bungalow built in moderate to dark variations of brick, beneath a dark tile multiple hipped gable and quite angular roof, integrating a dormer window on its southern elevation. Its generous plot slopes with the surrounding topography from south to north and east to west, enclosed by mature hedgerows and trees on three sides. Its frontage faces and is accessed from the north via a shared driveway with another detached dwelling, and a large Edwardian style building that appears to have been converted into a number of residences. The appeal site dwelling is highly visible from the residences on the opposite side of the drive, although from Tupwood Lane visibility is more limited, being from a section by the shared access, a side gate and glimpses above the hedgerow.

5. Over the length of Tupwood Lane there are variances in the size and style of dwellings, however many appear in small groupings. The appeal site is part of a group of similar style bungalows to its south and west, although other similar style dwellings are present along Tupwood Lane. The appeal site dwelling is fairly unassuming but has some visual value in its own right and as part of the grouping, that appear step down the slope with the topography, when viewed from the south on Tupwood Lane and Grange Road.
6. The proposed alterations would result in a dwelling considerably at odds with and detrimental this character and appearance, as a consequence of the increased height, bulk, form and appearance of the Dutch barn/gambrel style or flat mansard type roof form, the extent of slate tile/white weatherboard finish, and the large number of irregularly spaced and varyingly sized dormers. The proposed development would not respect or be in keeping with, and result in harm to the character and appearance of the host dwelling, the grouping of dwellings of a similar appearance, and the locality.
7. The appellant suggests the proposed development would result in the dwelling being similar to others on Tupwood Lane by virtue of the contemporary appearance, weatherboarding and gambrel roofs. However, no such dwellings were so similar, prominent or so well related to the appeal site, that would lead me to the conclusion that the proposed development is in keeping with the character and appearance of grouping of similar dwellings nearby, or the locality. The proposed development would appear as an isolated example of its type, incongruous to dwellings nearby, exacerbated by its increased height and prominence.
8. For the reasons set out above the proposed development would be contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) (the CS) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the LP). Amongst other things, these policies expect development to be of a high standard of design that must reflect local character, setting and context including features that contribute to local distinctiveness. The proposals would also be contrary to paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which expects new development to be sympathetic to local character, the surrounding built environment and landscape setting, and maintain a strong sense of place through the use of building types and materials.
9. The appellant has highlighted that Policy DP7 of the LP states that it will encourage innovative designs where appropriate. However, it is not apparent why the proposed development could be considered particularly innovative, and as a consequence of the harm I have found in respect of character and appearance, that aspect of Policy DP7 does not provide an overriding justification to allow this appeal.

Other Matters

10. The appellant considers that the proposal complies with various other requirements of Policy CSP18 of the CS, such as with respect to the living conditions of neighbours. The appellant has also set out the compliance of the proposal with the thirteen criteria of the Policy DP7. Based on the evidence before me the proposed development could adequately address some of these other requirements. However, I have found the proposal would result in harm in respect of character and appearance, and therefore it does not effectively

address criteria 1) and 2) of Policy DP7, such that the compliance with other aspects of the policy, does not override or outweigh the harm I found.

11. I note third party representations set out concerns in respect of living conditions such as loss of privacy and overbearing. I note that the Council generally finds these matters acceptable such that it does not raise an objection or list a reason for refusal to the development. I have no substantive evidence before me that would lead me to disagree with the Council's conclusions in this regard.
12. I note third party questions in respect the potential commercial use of a room shown as a gym. The planning application is for a residential/householder development and I have considered the appeal on this basis. In terms of the matter raised in respect of a private right of access, such property rights are a private matter between the relevant parties. Furthermore, a planning permission would not override any legal rights of access.

Conclusion

13. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR