



Appeal Decision

Site visit made on 28 August 2019

by Paul Thompson, DipTRP, MAUD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2019

Appeal Ref: APP/M3645/W/19/3227990
257 Farleigh Road, Warlingham, CR6 9EL

- 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 Martin McFadden (MMJ Farleigh Road Ltd.) against the decision of Tandridge District Council.
 - The application Ref: TA/2019/199 dated 26 January 2019, was refused by notice dated 1 April 2019.
 - The development proposed is demolition of 257 Farleigh Road and erection of replacement dwelling, erection of three new dwellings on land to the rear, formation of access road and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site is situated on the western side of Farleigh Road, which is broadly a residential street. The eastern side of Farleigh Road is characterised by dwellings within plots that are generally narrower than those to the western side and development is also set back in the form of Parsonage Close. There are some examples of development set back behind the frontage dwellings to the western side of the road, most notably before No. 231 to the south of the site. Beyond this point, the layout of properties changes notably to single properties set back within very long plots. The site would be most closely related to this layout, as it is the garden of No. 257. The garden is substantial in size and somewhat larger than others nearby given that it extends behind Nos. 261-265.
4. Mature tree and hedge planting line the road frontage and form the backdrop of some gardens, providing a transition to the open countryside that lies beyond. The gardens of the properties are used in differing ways and some are more manicured, but this does not alter their contribution to the character of the area. Moreover, this part of Farleigh Road has a spacious verdant character with a clear and distinct pattern to development, absent of back land

- development. The undeveloped state of the gardens therefore makes a positive contribution to the character and appearance of the area.
5. The location of the proposed dwellings within the garden of No. 257, behind the street frontage, would appear as a discordant insertion that would jar with the coherent pattern of development described above. The proposed development would substantially reduce the depth of the garden of the appeal site which, together with those of neighbouring dwellings, provides a spacious and open backdrop to the dwellings within Farleigh Road. The proposed development would therefore have a significantly harmful impact on the character of the area.
 6. The proposed dwellings would be situated at the end of the proposed access aside a replacement dwelling at the site frontage. They would front onto a shared turning area. Existing built development and landscaping would be unlikely to screen the proposal from the street and the homes would be visible when viewed across the paddock to the north of No. 267. The proposals would also be visible along the proposed access from Farleigh Road. As such, I have had regard to other accesses in situ at Crewes Lane and Parsonage Close.
 7. The proposals would include tree planting, but this would be unlikely to mature in time to provide tree coverage commensurate with the existing verdant character of Farleigh Road. Moreover, it would not be likely to have a meaningful effect in softening the appearance of the proposed development for some time. Nevertheless, landscaping should not be relied upon to hide development from view that would otherwise be visually harmful, as it could fail to establish. The proposals would therefore introduce development that would have a significantly detrimental effect on the appearance of the area.
 8. In the previous appeal for this site¹, the Inspector found against the position of the development behind the street frontage and its layout, as the layout of eight dwellings was found to be cramped. In the appeal before me, the three dwellings behind the street frontage would be arranged into plots of a similar width to those at the frontage. Whilst the proposals could not be said to be cramped, they would still subdivide the curtilage of No. 257 in a manner inconsistent with the characteristics of nearby plots to the western side of Farleigh Road.
 9. For the reasons outlined above, I conclude that the proposed development would significantly harm the character and appearance of the area. Hence, the proposal would not accord with Policies DP7 and DP8 (points A2 and A3) of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (Adopted Version July 2014) (LP); and Policy CSP18 Tandridge District Core Strategy Adopted 15 October 2008 (CS). Together these policies require that new development is of a high standard of design that reflects, respects and maintains the character and appearance, setting and local context, including those features that contribute to local distinctiveness. This includes being in keeping with the prevailing streetscape and does not involve inappropriate sub-division of existing curtilages.

¹ Ref APP/M3645/W/18/3198265

Other Matters

10. The main parties have referred to the Council's emerging Local Plan 2033, which has been submitted for examination. I have not received any compelling evidence to suggest that there has been any further progress. Emerging policies and site allocations are not therefore matters that have a significant bearing on my consideration of the merits of this appeal, particularly as there may be unresolved objections to contend with. Therefore, in accordance with the requirements of Paragraph 48 of the Framework, the Plan has attracted very limited weight in my consideration of the merits of the appeal.
11. I have been referred to two very recent appeals. The first being a joined appeal for two housing sites in neighbouring Mid Sussex, as access is taken from within Tandridge², and the second is for a site in Limpsfield, Tandridge³. Both decisions discuss the housing supply position within the District but are not comparable with the appeal scheme before me in other respects, as they all refer to larger schemes of housing with other main issues. In particular, the first appeal did not require the Inspector to conclude in relation to the effect on the character and appearance of the area and the schemes provided affordable housing. In addition, both appeals concluded in relation to the highway safety implications of each site.
12. I have also been referred to the Council's record in terms of its approach to granting planning permission for housing within the District but the circumstances behind the Council's decisions are not before me. This would not therefore be a compelling reason to allow development that I have adjudged to be harmful.
13. I also note the appellant's comments on the Council's pre-application advice, the consideration of the site in the Council's Brownfield Register and for a scheme for five dwellings in the Council's Housing and Economic Land Availability Register. However, pre-application advice is not binding on the Council and the inclusion of the site in the Council's Housing Land Availability Assessment and Brownfield Register is uncertain as the Council would be required to review the acceptability of site. Therefore, given that the evidence before me suggests that the site is not yet included in these documents these matters carry limited weight. In any case, I have reached my own conclusion on the appeal proposals based on the policies and evidence before me.
14. The appellant has discussed the comments of third parties and referred to a scheme for lesser housing at the site frontage. However, that is not the scheme before me so I am not able to give alternative proposals any weight.

Planning Balance

15. It is common ground that the Council are unable to demonstrate a five-year housing land supply as required by the Framework and the shortfall is acute. Even if I were to accept the appellant's figure that the supply is 1.06 years, this would not change the approach to my determination of the appeal in such circumstances. Moreover, the tilted balance in Paragraph 11(d) of the Framework is engaged as an important material consideration. This states that planning permission should be granted unless any adverse impacts of doing so

² Ref APP/M3645/W/18/3198090 and Ref APP/M3645/W/18/3205537, decided 25 June 2019.

³ Ref APP/M3645/W/18/3204681

would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

16. The aspects of Policy DP8 of the LP which refer to the effect of development on character and appearance are generally consistent with the Framework's aim of securing good, contextually appropriate design. Therefore, the conflict with the policy warrants significant weight. Overall, the adverse impacts of the proposal are matters of significant weight against the grant of planning permission and the absence of harm in respect of all matters other than character and appearance is of neutral weight.
17. The site lies within the urban area, in a Category 1 settlement, where Policy CSP1 of the CS is supportive of the principle of new housing development. The site is suitably located in relation to facilities and services for residential development and the proposal would benefit the local economy through employment and procurement of materials during the construction period and expenditure by occupants of the proposed dwellings. Nonetheless, the proposals would provide only three additional dwellings, such that these benefits would be limited in scale and kind, and consequently carry moderate weight in favour of the proposal.
18. The appeal scheme would help to address the acute housing supply deficit and being a small scheme, it could be built-out relatively quickly. The contribution to supply would therefore be modest in its extent. However, given the magnitude of the Council's housing land supply deficit and because the Council is likely to rely on sites of a similar size for its delivery due a large part of the District being constrained by Green Belt, I attach moderate weight to this benefit.
19. Whilst housing supply may have impacted on house prices and the affordability of housing for young people, I have not been provided with evidence to demonstrate that the proposed dwellings would be either relatively affordable to construct or to buy. This particular matter is therefore afforded limited weight.
20. The Framework is clear at Paragraph 122 that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places. In the case of the appeal before me, I have found there to be significant harm to the character and appearance of the area. The site would not therefore be unconstrained, and its development would conflict with the objective of protecting and enhancing the built environment. I attach significant weight to this harm.
21. Having regard to the above, I consider the significant harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This does not indicate that the proposal should be considered other than in accordance with the development plan.

Conclusion

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

Paul Thompson

INSPECTOR