



Appeal Decision

Site visit made on 8 October 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/M3645/W/19/3232200

121A Harestone Hill, Caterham CR3 6DL

- 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 Jason Moore (WS Planning & Architecture) against the decision of Tandridge District Council.
 - The application Ref TA/2018/2203, dated 24 October 2018, was refused by notice dated 2 January 2019.
 - The development proposed is alterations to existing dwelling and the erection of three dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (a) the character and appearance of the area, (b) the living conditions of the occupiers of the neighbouring and proposed dwellings, having regard to outlook, privacy, private outdoor space and refuse/recycling storage/collection arrangements and (c) Protected Species and biodiversity.

Reasons

Character and appearance

3. The appeal site comprises an access drive, garden and detached dwelling which are located to the rear of frontage dwellings on Harestone Hill. The access drive also serves two other dwellings in backland locations at 123 and 123a Harestone Hill. The land rises steadily from Harestone Hill up to the detached dwelling including along the access drive. The site has a spacious front garden on a downward slope and boundaries with hedges and trees.
4. Under the Harestone Valley Design Guidance Supplementary Planning Document (SPD) 2011, the appeal site and surrounding area fall within Area D (Valley and Eastern Valley Slopes) of the Harestone Valley Special Residential Character Area. Harestone Valley has a positive and distinctive residential character, which is a result of its undulating topography, spacious and landscaped plots and being surrounded on several sides by countryside. The landscape comprises significant tree cover such that in views from outside of the valley, there is a sense of uninterrupted tree cover. Along frontages, there are regular plot widths and a regular rhythm to dwelling positions. In this part of the character area, there is backland development but the prevailing quality

of the area is of detached dwellings set in spacious and mature landscaped plots.

5. SPD design principles L1, L3 and L4 state, amongst other matters, that development should relate to the predominant plot and development rhythm in the area, existing occasional breaches of a building line must not be seen as a precedent and are not a justification to depart from the overall pattern, fronts of buildings should relate to other fronts and development should respect their location, the size of the site and the character of the area.
6. The development would result in a pair of semi-detached dwellings on a lower slope in the front garden of the existing dwelling. A further dwelling would result following the demolition of one end of the existing dwelling and a detached garage. Such an extent of development, along with hard surfaced areas, would cover a significant proportion of the site with restricted space about the dwellings compared to surrounding development. In respect of the two neighbouring dwellings at Nos 123 and 123a, they are clustered together but they are located in substantial plots.
7. Dwelling plot sizes would be significantly smaller than most of those in the vicinity. The depth of the rear garden of the proposed dwellings would be notably shorter than the majority of the dwellings in the surrounding area. In this respect, the depth of the rear garden of the existing dwelling on the site is relatively small but this is an exception to the prevailing theme of substantially deep rear gardens in the area. As such, the development would clearly be at odds with the generally more spacious and landscaped character and appearance of the area.
8. Additionally, the semi-detached dwellings would be 2-3 storeys with a central two storey element and a pitched roof with dormers containing the top floor. Side garages with pitched roofs would contain dormer first floor accommodation. Such a design would give rise to considerable scale, massing and bulk on a sloping site especially given its relatively close relationship to its common boundaries. Although there is mature landscaping around the site, the semi-detached dwellings would be substantial in size so limiting the screening effect of such vegetation. In any case, much of this vegetation is deciduous further exposing the dwellings in winter and there is no guarantee that such vegetation would remain in perpetuity. Over time, trees may be removed for any number of reasons, such as weather and accidental damage, and replacement planting inevitably takes time to establish.
9. Backland and infill development has taken place within the area. From my site observations of the area, such examples do not compare in terms of plot sizes and extent of development. In any case, every proposal has to be considered on its own particular merits. The density of the development would be considerably lower than that advocated in policy CSP 19 of the Tandridge District Core Strategy (CS) 2008 for built-up areas but it would still fail to respect and reflect the local character and distinctiveness of the area.
10. For all these reasons, the development would amount to overdevelopment failing to reflect and respect character, setting and local context and would fail to integrate effectively with its surroundings. Such a poorly designed proposal would conflict with policy CSP 18 of the Tandridge District Core Strategy (CS) 2008 and policies DP7 and DP8 of the Tandridge District Local Plan Part 2:

Detailed Policies (LP) 2014. Similarly, it would conflict with the advice within design principles L1, L3 and L4 of the SPD.

Living conditions

11. The rear gardens of 101, 119 and 121 Harestone Hill would lie adjacent to the proposed semi-detached dwellings. These appeal dwellings would be separated from the neighbouring properties by rear and side gardens. However, the central two storey element with additional roof accommodation, along with the side one and half storey elements, would result in substantial scale, massing and bulk in an elevated position. Existing landscaping would not mitigate against this for the reasons previously indicated. Accordingly, there would be a significant loss of outlook to the occupiers of these neighbouring properties when they are using their gardens.
12. The semi-detached dwellings would have numerous rear first floor and second floor windows. Given the elevated nature of the dwellings and the depth of their rear gardens of about 10m, this would give rise to significant overlooking of the neighbour's garden at No 101 which would not be mitigated by landscaping for the reasons indicated.
13. Bedroom 3 of the altered existing dwelling would have a line of sight across frontage parking and drive areas to the rear garden of one of the semi-detached dwellings. Nevertheless, the section and block plans show that there would be no significant loss of privacy to the occupiers of this new dwelling given the siting of a new garage, the ground level of the affected garden area, the height of boundary treatments and the extent of separating distance.
14. The resultant dwellings would have considerably less private outdoor open space to serve them than the surrounding dwellings and the depth of their gardens at approximately 10m would be tight. However, the width of each dwelling's garden would be greater resulting in a significant area for the occupiers of these dwellings.
15. There would be no useable turning area for refuse vehicles to enter and leave the site in a forward gear. Consequently, residents would be required to deposit and collect bins on collection day from the bottom of the drive which could involve a walk of about 130m on a steep gradient. Whilst this would not be ideal, this would be a choice that future residents would have to accept if they resided in these new dwellings and therefore, this arrangement would not be unacceptable.
16. Notwithstanding this, the development would harm the living conditions of the occupiers of neighbouring dwellings, having regard to outlook and privacy, for all the reasons indicated. Accordingly, the proposal would conflict with policy CSP 18 of the CS and policy DP7 of the LP.

Protected Species and biodiversity

17. The development would involve the partial demolition of the existing dwelling and the felling of trees. In response to the Council's reason of refusal, a Preliminary Ecological Appraisal and Bat report indicated a low value for flora and fauna, and a low or nil probability of Protected Species on the site.
18. Such conclusions are generally compelling. However, the bat roost assessment was carried out in winter. Although good practice indicates inspection can take

place at such times, the report indicates past evidence of bats on unprotected external surfaces dating from the previous summer and an autumn bat active period would have been unlikely to be visible. The report also confirms gaps under tiles in the bungalow and holes/crevices in the walls of the garage which bats could use. Furthermore, only one bat roost emergence survey was undertaken.

19. On this basis, the report's conclusions of a low probability of bat roost potential are not compelling. Therefore, it has not been demonstrated that the development would not harm Protected Species and protect biodiversity. Accordingly, the proposal would conflict with policy CSP 17 of the CS and policy DP19 of the LP.

Other matters

20. The Council's 5 year housing land supply (5YHLS) is 2.45 using the Standard Methodology. The proposal would boost housing supply and would contribute to the Council's windfall allowance under its supply. The site was put forward as part of the Council's 'call for sites' in 2015 although this was discounted due to the potential yield falling below the 5 dwelling threshold set by the Council. Family homes would be provided in an area constrained by the Green Belt. The development is located near North Downs Hospital, along with several schools, shops and supermarkets. The dwellings would be sustainably constructed, with provision of renewable technologies.
21. However, the contribution of three additional dwellings to housing supply would be small and the proposal would adversely affect the character and appearance of the area, the living conditions of neighbouring residents and in the absence of evidence to the contrary, Protected Species and biodiversity. Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. In this regard, this development would not be sympathetic to local character and history, including the surrounding built environment and landscape setting. Places should also be of a high standard of amenity for existing and future occupiers. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, even after taking into account the Council's 5YHLS position.

Conclusion

22. The proposal would provide a dwelling within a built-up area but the development would harm the character and appearance of the area, the living conditions of residents and Protected Species and biodiversity. As a result, the proposal would be contrary to the identified CS and LP policies and development plan as a whole. There would be no material considerations of sufficient weight or importance that determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.
23. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathon Parsons

INSPECTOR