



Appeal Decision

Site visit made on 10 September 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/M3645/W/19/3232622

2 Lime Grove, Warlingham CR6 9DB

- 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 Mark McElduff against the decision of Tandridge District Council.
 - The application Ref TA/2019/92, dated 17 January 2019, was refused by notice dated 24 May 2019.
 - The development proposed is a 4no bedroom dwelling on land adjacent to 2 Lime Grove and single storey rear extension to main dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a 4no bedroom dwelling on land adjacent to 2 Lime Grove and single storey rear extension to main dwelling at 2 Lime Grove, Warlingham CR6 9DB in accordance with the terms of the application, Ref TA/2019/92, dated 17 January 2019 subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are (i) the effect of the proposed dwelling on the character and appearance of the area; and (ii) whether or not parking provision would be adequate to serve future occupiers.

Reasons

Character and Appearance

3. The appeal site contains a two-storey dwelling finished in brick and render, with a single storey side projection set back from the main front elevation. This dwelling forms a terrace with 1 and 1A Lime Grove, and together these are of different appearance to the group of semi-detached buildings on the north side of Lime Grove to the west of the site. These brick-finished buildings are of matching appearance with first floor side accesses and central ground floor entrance doors. The regular pattern of gaps and generous spacing between these buildings provides for views through to rear gardens and the mature trees which are present in many of these, as well as an attractive rhythm and sense of spaciousness to this part of the street scene.
4. However, beyond these dwellings to the north of Lime Grove, there is greater variation in the mix of two-storey semi-detached and terraced buildings present in the vicinity of the site and in the spacing between them. Extensions and infill developments have further altered the original layout of this wider

- area, and recent infill development includes new dwellings at 1A Lime Grove and adjoining 34 Blanchmans Road close to the appeal site.
5. Policy CSP 18 of the Tandridge District Core Strategy 2008 (TDCS) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) include requirements that development does not result in unacceptable intensification by reason of scale, form, bulk, height, spacing, density or design; and that it reflects and respects the prevailing landscape and streetscape character including features that contribute to local distinctiveness. Further specific requirements for development on residential garden land within Warlingham are provided by TLP Policy DP8. This directs, amongst other things, that development should present a frontage in keeping with the existing street scene or layout of streets in the area and that it should be appropriate in terms of land use, size, scale and the size of curtilages.
 6. The Council have raised no objection to the extension proposed to the rear of No. 2, and I also find no harm arising from this element.
 7. The proposed dwelling would extend the existing terrace in place of the existing single-storey projection to the side of No. 2. Given nearby development including a terrace of four dwellings at 33-35A Blanchmans Road to the east of the site, this terraced form would not be out of character. Despite the uniform width of dwellings to the west of the site, No. 2 is already different to these. Furthermore, the width of dwellings in the wider area varies and Nos. 1 and 2 are already of lesser width than the adjoining dwelling at 1A Lime Grove. Given the diversity present, while it would be comparatively narrow, I do not find that the width of the proposed dwelling would in itself result in an unduly prominent or incongruous feature within the street scene.
 8. Similarly, the set back of the proposed dwelling from the front elevation of No. 2 would broadly reflect that present between Nos. 1 and 1A. The extension past the rear building line at first floor level would be greater than that of No. 1A beyond No. 1 and would be apparent from the street scene of Blanchmans Road. However, it would be viewed against the backdrop of the dwellings to the west on Lime Grove which already appear to step back from this vantage point and the impact would be further lessened by the set back of the dwelling from Blanchmans Road. This would not therefore result in an obtrusive or discordant feature or in harm to the street scene.
 9. Notwithstanding this, the dwelling would be set close to the flank boundary with 3 Lime Grove. In the context of the generous spacing typical between buildings to the north of Lime Grove, the proximity of the dwelling to the boundary and reduced view through to the gardens behind would be distinct in this part of the street scene. While some limited separation to the boundary would remain, in combination with the width of the dwelling as one of the narrowest in the area, the development would appear somewhat cramped in the context of the prevailing pattern of development and spaciousness present to the north of Lime Grove. This would be to the detriment of the character and appearance of the area.
 10. I acknowledge that the appeal site is located close to the junction with Blanchmans Road and Cedar Close where there is greater diversity in the width of buildings and spacing between them including as a consequence of extensions or new dwellings which have infilled space originally present.

11. The aforementioned harm would therefore be restricted to the immediate section of Lime Grove. However, the proposed dwelling would nevertheless result in some limited harm to the character and appearance of the area and in this regard it would be contrary to Policy CSP 18 of the TDCS and Policies DP7 and DP8 of the TLP.

Parking Provision

12. Policy DP5 of the TLP sets out that development will be permitted where it does not impede the free flow of traffic or create hazards to traffic and other road users and where it promotes access by public transport, foot and bicycle. TLP Policy DP7 further advises that proposals should have regard to the adopted parking standards and not result in additional on-street parking where this would cause congestion or harm. In this regard, I have been directed to the Tandridge Parking Standards Supplementary Planning Document 2012 (SPD) which points to requirements for 2 allocated spaces to serve a 3-bedroom dwelling and 3 allocated spaces to serve a 4-bedroom dwelling. The existing dropped kerb is shown to be extended to serve one space for each dwelling on the site, resulting in a shortfall of 3 spaces against the total requirement for 5 spaces.
13. While I acknowledge the shortfall in parking against the SPD standards, there is nothing in Policy DP7 that sets out an absolute requirement that the application of the policy is conditional on the standard. It appears to me that the appeal site is within walking distance of local shops and facilities in Warlingham as well as local bus services and the appellant and the County Highway Authority have both highlighted that the site has good access to public transport. Future occupiers would therefore benefit from opportunities to travel by modes other than by private vehicles, reducing reliance on these and the requirement for on-site parking.
14. The width of Lime Grove and Blanchmans Road enable parking to take place on-street without resulting in obstruction to the highway, and there are relatively few dropped kerbs present which would otherwise reduce on-street parking opportunities. Furthermore, Lime Grove is not a through road and vehicle movements would be relatively limited to those associated with properties on Lime Grove itself and the small cul-de-sacs of Larch Close and Cedar Close.
15. At the time of my site visit, a large number of spaces were available on street and while this was during the day, I saw no parking restrictions in place nearby which would point to a high degree of parking stress. There is no clear evidence before me of an existing local parking problem, or that the proposal would make any issues worse, and given the circumstances I agree with the County Highway Authority's assessment that the safety and operation of the highway would not be materially affected. Furthermore, although the Council have referred to requirements included within TLP Policy DP7 and TDCS Policy CSP 18 that development does not harm the amenities of neighbouring properties including by reason of traffic, it has not been demonstrated that parking on the street would have a harmful effect on the quality of life of local residents or future occupiers of the development.
16. Notwithstanding the shortfall in parking against the standards within the SPD, given the accessibility of the site and in the absence of any evidence of harm to the flow of traffic, highway safety or to the living conditions of either local

residents or future occupiers of the development, I therefore conclude that parking provision would be adequate to serve future occupiers. The proposal therefore accords with Policies CSP 18 of the TDCS and Policies DP5 and DP7 of the TLP.

Planning Balance

17. There is no disagreement between the parties that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The lack of housing land supply triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework (the Framework). This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In the absence of any applicable policies in 11(d)(i), I have assessed the proposal against 11(d)(ii) only.
18. In light of my consideration above, Policy CSP 18 of the TDCS and Policies DP7 and DP8 of the TLP are most important for determining the proposal but would be considered out of date in light of the lack of housing land supply and the provisions of Footnote 7 of the Framework. However, achieving well-designed places is a key aspect of sustainable development identified within the Framework and the requirements of these policies are broadly consistent with the Framework in seeking this. Conflict with these policies therefore carries a reasonably significant amount of weight.
19. Although I have found no harm arising from the proposed parking to serve the development, I have identified that there would be some limited harm to the character and appearance of the street scene of Lime Grove as a result of the proximity of the dwelling to the flank site boundary in combination with its narrow width which would erode spaciousness and be at odds with the distinctive pattern to the group of dwellings west of the site. However, this harm would be localised and would be moderated by the location of the appeal site at the edge of this discrete group of dwellings close to areas with no such consistent pattern of building widths or spacing.
20. In terms of benefits, paragraph 68 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The proposal would provide one additional dwelling which would contribute positively to the housing under-supply position. It would also result in some economic benefits during the construction period as well as additional demand for services and additional finance to the Council. The extent of these benefits is tempered by the small amount of development, but nevertheless I give them moderate weight in the overall planning balance.
21. In the context of paragraph 11(d) of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and is a material consideration that weighs in favour of the proposal. While the development would not fully accord with Policy CSP 18 of the TDCS and Policies

DP7 and DP8 of the TLP, I conclude that there are thus material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

22. I have considered the Council's suggested conditions. Where necessary, I have altered these for clarity, to ensure compliance with the relevant tests and to avoid the use of pre-commencement clauses where this is not essential for the condition to achieve its purpose.
23. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. In order to ensure a satisfactory appearance, a condition relating to the external materials to be used is necessary. Conditions requiring the submission of a Construction Method Statement, the provision and maintenance of parking and relating to energy use are necessary in the interests of ensuring highway safety, adequate parking for the development and to minimise carbon dioxide emissions.
24. While the Council suggest a condition for provision of a fast charge socket on the site, I have not been provided with details of any policy which would substantiate such a requirement, and given the scale of the development proposed I do not consider that this would be necessary or reasonable. Therefore, I have not imposed this condition. A condition is also suggested to remove permitted development rights for the development. However, I am mindful that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. Given the circumstances of the site, I find that such a condition would not be reasonable or necessary in the interests of either the character and appearance of the area or the living conditions of neighbouring occupiers and therefore I have not imposed this condition.

Conclusion

25. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3925, 3925/1, 3925/2 and 3925/3.
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on plan no 3925.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials and use of banksmen;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to prevent the deposit of materials on the highway;
 - v) a programme of works and measures for traffic management;
 - vi) the erection and maintenance of boundary hoarding behind any visibility zones;
 - vii) a survey of the existing highway condition to be undertaken prior to construction, and a second survey of the highway condition to be undertaken on completion of the development to identify defects attributable to traffic ensuring from the development with any necessary remedial works to be completed at the developer's expense in accordance with a scheme to be agreed in writing by the local planning authority.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) The new dwelling hereby permitted shall not be occupied until space for the parking of vehicles has been laid out within the site and access to these is provided in accordance with drawing no. 3925. That access, and the spaces as laid out shall thereafter be kept available at all times for the parking of vehicles.
- 6) The new dwelling hereby permitted shall not be occupied until measures to reduce the carbon emissions of the predicted energy use of the dwelling by at least 10% through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources have been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. These measures shall thereafter be maintained in accordance with the approved details.