



Appeal Decision

Site visit made on 22 October 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/D/19/3235694

4 Wynnstow Park, Oxted RH8 9DR

- 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 Mrs H Peck against the decision of Tandridge District Council.
 - The application Ref TA/2018/2239, dated 14 November 2018, was refused by notice dated 7 June 2019.
 - The development proposed is excavation of existing ground level to provide basement garage and conversion of existing garage to habitable accommodation. Erection of single storey and first floor extensions to north west elevation with roof terrace over. Construction of new second floor accommodation over existing first floor level. Remodelling of existing property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the Council's decision notice. This description is entered on the appeal form and more fully and accurately describes the proposed development than that given on the application form.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area, including the effect on protected trees and (ii) the effect of the proposed development on the living conditions of the occupiers of 3 Wynnstow Park with particular regard to privacy and the occupiers of 5 Wynnstow Park with particular regard to outlook.

Reasons

Character and Appearance

4. Wynnstow Park comprises a cul-de-sac of detached houses of individual styles, designs and materials which are set within substantial plots. There is considerable variation in levels along Wynnstow Park and as a consequence the floor and roof heights of adjacent dwellings differ in many cases where they follow the land. Dwellings predominantly comprise two storeys of accommodation, although in some cases first-floor accommodation is provided within roof levels and 1 and 3 Wynnstow Park include additional partial basement levels. Despite their varied appearance, buildings are set in significantly from their plot boundaries with generous frontages and rear

- gardens. Together with the numerous mature trees, some of which are very large, this results in a decidedly spacious and sylvan character to the area.
5. The dwelling on the appeal site is positioned at a lower land level than the neighbour at 3 Wynnstow Park, but is much higher than the adjacent property at 5 Wynnstow Park. There are a number of large trees within the site to both the front and rear of the dwelling. These contribute significantly to the street scene of Wynnstow Park and the overall character of the area and some, including the Beech tree within the appeal site frontage closest to the garage at the side of the dwelling, are protected by Tree Preservation Order (TPO).
 6. The proposed development would significantly alter the appearance of No. 4. Given the wide variety in the styles and designs of dwellings on Wynnstow Park and lack of a distinctive architectural character, the more contemporary appearance of the appeal dwelling including the proposed flat roof and materials would not necessarily be discordant or unsympathetic in this context. Furthermore, while I note that there would be a relatively large single-storey rear extension and a first-floor extension above the garage to the side of the dwelling, significant spacing would be maintained around the building and these elements would not appear disproportionate or erode the characteristic openness of the area.
 7. However, although the appellant states that the proposed dwelling would be largely the same height as the current ridge to the roof, the submitted plans illustrate that the development would appreciably increase the height of the dwelling, and the addition of the new second floor level would add significantly to the scale and bulk of its upper part.
 8. In contrast to the two-storey dwelling currently on the appeal site, the first-floor level of No. 5 is provided within its roof level, and the ground floor of the appeal dwelling is also set above the eaves of this neighbour. These factors together mean that the appeal dwelling is already significantly higher than No. 5. The proposed increase in height of the dwelling would further exacerbate the disparity and cause the development to appear to tower above its neighbour. The visual impact of the substantial height difference would be exaggerated by the distinct vertical emphasis that would arise from the proposed arrangement of fenestration and material detailing to the front elevation of the dwelling.
 9. Additionally, the proposed flat roof would bring development at the upper level of the dwelling closer to the boundary with No. 5 and would significantly increase its bulk in comparison to the existing hipped roof design. This would intensify the visual dominance of the appeal dwelling over this neighbour, resulting in an awkward relationship. I acknowledge that variations between the floor levels and ridgelines of neighbouring dwellings is a feature of Wynnstow Park currently. However, this is predominantly a factor of the land levels and I saw no examples as pronounced as would occur on the appeal site where the striking difference would cause the proposed dwelling to appear jarring and unduly prominent in the street scene.
 10. As well as the new second floor, the proposal includes excavation to provide a partial basement level. Given the land levels and driveway access, this would not be fully screened from the street scene by hedging proposed to the site frontage. However, I saw other dwellings on Wynnstow Park where partial basements are apparent beneath two levels of accommodation, and the

proposed partial basement to the appeal dwelling would not therefore be an exceptional feature in itself. Notwithstanding this, there are no other dwellings with three floors of residential accommodation visible from the street scene. While the proposed basement would be offset from the additional roof level, the overall effect would be of a dwelling of up to four storeys. This would be an incongruous feature and would compound the development's prominence and the harm to the character and appearance of the area.

11. I have considered the examples of other properties in the area which the appellant considers weigh in favour of the proposed design and scale of the dwelling. However, I saw that none are directly analogous to the proposed development or display a comparable relationship with neighbouring properties.
12. Turning to consider the effect of the development on trees, from the evidence before me, it is the potential for impact on the Beech tree closest to the existing garage and proposed basement level within the frontage of the appeal site which is of most relevance.
13. The proposed basement level would be beneath the footprint of the existing house. The appellant advises that there is an existing cavity which would reduce the need to remove earth to form the structure, although I have not been provided with full details of its extent or nature to be able to consider the significance of this. In any event, there would need to be significant excavation work to the front of the basement garage to provide for driveway access close to this tree, and I note that the Council are concerned that this would result in severance of a large volume of its roots causing significant harm.
14. The appellant has submitted an Arboricultural Report (AR) with the appeal. This states that all existing healthy trees can be retained within the scheme, and includes a method statement intended to protect trees during construction.
15. Considering the impact of the development, the AR suggests that the morphology and disposition of the rooting system of the Beech tree closest to the garage would have developed asymmetrically due to the existing foundations forming an impenetrable barrier and the concrete drive restricting gaseous exchange and rain water ingress. However, there is no reference to any investigation on the site, or to any other evidence that would provide a robust basis which in my view would be necessary to substantiate such an assertion. As a result, I find that there is insufficient evidence to demonstrate that the construction of the proposed basement garage and driveway access would not affect tree roots and I cannot be confident that the development would not harm the health or condition of this tree.
16. The appellant has stated that the Beech tree closest to the garage is causing problems for the foundations to the side of the house and that the proposal would offer a greater chance of ensuring the tree's survival through enabling identification of roots which are causing structural damage. However, no substantive evidence of any damage to the dwelling has been submitted. The AR identifies this tree as being in good structural condition with an estimated remaining contribution of over 40 years and I have no reason to believe it would be unlikely to survive on site for many years. The tree is prominent in the street scene of Wynnstow Park and makes a significant contribution to the sylvan nature of the area. Consequently, any harm to or loss of this tree would adversely affect the character and appearance of the appeal site and area.

17. I therefore conclude on this main issue that there would be unacceptable harm to the character and appearance of the area and it has not been demonstrated that there would not be harm to protected trees. The development would therefore be contrary to Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLLP2) and Policy CSP18 of the Tandridge District Core Strategy 2008 (TDCS). These policies include requirements that development respects the character, appearance and prevailing streetscape of the area and that it has regard to trees and other features which contribute to its distinctiveness. It would also fail to comply with guidance within the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017 that trees should be fully considered as part of new development.

Living Conditions

18. The proposed flat roof of the side extension over the garage closest to 3 Wynnstow Park would provide for a roof terrace that would be accessed from the second floor level of the dwelling. As a consequence of the position of No. 3 to the rear of the appeal dwelling, the majority of its rear garden would be screened to views from the proposed terrace by the dwelling itself. This would ensure private areas would be maintained and would limit potential views to a small section of the large garden closest to the boundary. Although No. 3 includes glazing to the front and side elevations and a first floor balcony closest to the appeal site, views towards these from the terrace would not be direct. The intervening distance would be large given the significant separation of the terrace from the boundary, and the differing land levels mean that this neighbour is set higher. I am therefore satisfied that there would not be unacceptable overlooking from the terrace to cause material harm to the privacy of the occupiers of No. 3.
19. With regard to the potential for the development to impact on No. 5, the proposal would increase the height and bulk of the appeal dwelling which would be visible from within the neighbouring site. However, this would also be the case with the existing dwelling. Both properties are set in from the boundary and significant outlook would be maintained from No. 5 across the appeal site to the front and rear of the proposed dwelling. It would not project forward of No. 5 so as to be prominent in views from the front elevation of this neighbour. Moreover, given the orientation of the appeal dwelling, views from No. 5 and its rear garden would predominantly be of the dwelling's flank elevation which would be of relatively limited depth at first and second floor levels.
20. Although there would be views from the frontage of No. 5 across the wider front elevation of the proposed dwelling, the closest section of this neighbouring site mainly provides a driveway and land levels slope steeply beyond this. It is therefore unlikely that occupiers would dwell here for significant periods. No. 5 is set within a large plot and taking the above factors together, there would not be visual intrusion or an overbearing or dominant impact so as to materially harm living conditions of the occupiers of No. 5.
21. I therefore conclude on this main issue that the development would not result in harm to the living conditions of the occupiers of 3 or 5 Wynnstow Park. In this regard, I find no conflict with Policy DP7 of the TLLP2 or Policy CS18 of the TDCS which require that development does not significantly harm the occupiers of neighbouring properties.

Other Matters and Planning Balance

22. I have had regard to matters raised by third parties including the potential impact of construction works and the effect of the development on services such as drainage and telecommunications. However, any effects from the construction period would be short term and could be mitigated by careful construction management and there is no firm evidence that development would adversely affect local services. While concerns have also been raised over the impact of development on the occupiers of neighbouring dwellings other than 3 at 5 Wynnstow Park, given the relationship of the appeal site with these neighbours and the intervening distances there would be no significant loss of light, privacy or outlook for occupiers.
23. While I acknowledge the support given at paragraph 118 of the National Planning Policy Framework to opportunities for use of airspace above existing residential and commercial premises, this relates to the provision of new homes. Nevertheless, the proposal would make effective use of the currently developed site which is vacant and I note that Policy DP7 of the TLLP2 offers support for innovative designs where appropriate. Although I have found no harm in relation to the impact of the development on the living conditions of the occupiers of 3 and 5 Wynnstow Park, these factors do not outweigh the harm that I have identified would be caused to the character and appearance of the area and the conflict with the development plan as a whole.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR