



Appeal Decision

Site visit made on 4 December 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/M3645/W/19/3236591

Rear of Hartlea House, High Drive, Woldingham CR3 7EL

- 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 & Mrs Johnston against the decision of Tandridge District Council.
 - The application Ref TA/2019/30, dated 8 January 2019, was refused by notice dated 8 March 2019.
 - The development proposed is construction of a new 4 bedroom dwelling
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area;
 - ii) local biodiversity; and
 - iii) the living conditions for the occupants of neighbouring properties.

Reasons

Character and appearance

3. The appeal site is located on a road that is defined by its wide carriageway with generous grassed verges and mature landscaping. The houses within the road are generally set in large plots with space about them, and as a consequence, the road has a pleasing, verdant and spacious character and appearance.
4. The appeal site is formed by a large dwelling set within a large parcel of land. The existing house is set back from the road and to the rear, it has a generous garden which gradually slopes towards the rear boundary of the site and which is bounded by mature trees and landscaping. Due to the size of the site, the space about the existing building, and the presence of mature landscaping, the appeal site is entirely consistent with, and makes a positive contribution to, the prevailing character and appearance of the area.
5. The proposal would introduce a new dwelling on land to the rear of the existing property. Although there would be a substantial gap between the existing and proposed dwellings, the new property would be located on a significantly

- smaller parcel of land. As a consequence, it would have substantially less space around it than the overwhelming majority of houses in the area.
6. The proposal would also introduce a new access point to the front of the site. Many of the houses along the road have more than one access, including the appeal site. However, these generally form part of generous driveways and front gardens. In this respect, they complement the spacious qualities found throughout the road. The introduction of an additional access point and the subdivision of the front garden would introduce an unusually narrow entrance which would appear at odds with the prevailing character of the area and consequently, would further detract from the spacious qualities of the site.
 7. There are examples of other dwellings located within back-land locations within the surrounding area and close to the appeal site. Badger's Bank, located to the north can be seen from within the appeal site, however, due to the presence of landscaping and the space between the buildings, Westwood is harder to appreciate. Despite the presence of these back-land developments, the spacious and verdant qualities of the area remain the overwhelming characteristic of the appeal site and the surrounding area. Moreover, where access roads are present, they are generally located in larger spaces between properties and as a consequence, their presence does not harm the prevailing character and appearance of the area.
 8. The area of the sub-divided parcel of land would achieve the requisite 0.2ha of the Woldingham Neighbourhood Plan (2016). However, despite this, the size of the site would be substantially smaller than those which surround it. As a consequence, the proposal would be in stark contrast with the overwhelming spacious qualities of the surrounding area. Accordingly, it would appear cramped on the site and would therefore have a significantly and demonstrably harmful effect on this verdant and spacious environment.
 9. My attention has also been drawn to other appeal decisions in the area whereby Inspector's have allowed development for similar proposals. Whilst I have not been provided with the full details of these cases, it is undeniable that the presence of back-land development is a feature within the surrounding area. However, I am not satisfied that the presence of other back-land houses is an overwhelming characteristic of the area. Instead, the dominant feature remains that of spaciousness and for the reasons identified above, the proposal would be harmful to that quality. Consequently, the decisions that have been brought to my attention do not alter my overall findings on the effect of the proposal.
 10. Therefore, I conclude that the proposal would harm the character and appearance of the area. Accordingly, it would fail to comply with Policy CSP18 of the Tandridge Core Strategy (2008) (CS), Policy DP7 of the Tandridge Local Plan Part 2 (2014) (LP), Policies L1 and L2 of the Woldingham Neighbourhood Plan (2016) and guidance contained within the Woldingham Village Design Statement 2005 and Woldingham Village Design Guide Supplementary Planning Document 2011. Taken together, these seek high standards of design which reflect, respect, contribute to, and enhance areas with a locally distinctive character and appearance.

Biodiversity

11. The appeal has been accompanied by a Biodiversity Checklist however, this simply confirms that the site has not been surveyed for various protected species. Although the appellant has suggested that the necessary surveys have been commissioned, these are not before me. Consequently, I must assess the appeal on the basis of the evidence that I do have.
12. Policy CSP17 of the CS requires development to protect biodiversity. In addition, Policy DP19 of the LP states that planning permission for development which directly or indirectly affects protected species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
13. I note the observations from the Surrey Wildlife Trust in relation to the proximity of the site to optimal habitat woodland and the suggestion that suitable habitat for protected species remains present on the site. Based on the evidence before me, I have no reason to disagree with these observations.
14. The proposal would introduce a new dwelling on land that has the potential to support protected species. Moreover, the site has not been suitably surveyed and any necessary mitigation is therefore unknown. Consequently, although much of the existing landscaping upon the site would be retained, in light of the clear requirements of the development plan, I conclude that the proposal would have a harmful effect on local biodiversity. It would therefore fail to accord with Policy CSP17 of the CS and Policy DP19 of the LP which seek to protect biodiversity.

Living conditions

15. The proposal would introduce a new driveway running extensively along the shared southern boundary of the appeal site. The boundary is currently formed by a mixture of mature landscaping, large trees, and fencing. The proposed access would be located close to the boundary. However, the proposal would also introduce a new hedge along the full extent of the new driveway.
16. Despite the length of the proposed access and the proximity to the shared boundary, it would only serve one dwelling. Consequently, it would not generate a significant level of vehicular movements and when combined with the presence of landscaping that could be reinforced, I am satisfied that the access would not cause noise or disturbance to the adjacent property.
17. I therefore conclude that the proposal would not harm the living conditions of the occupants of the neighbouring dwelling. Accordingly, it would comply with Policy CSP18 of the CS and Policy DP7 of the LP. Taken together, these require development to not significantly harm the amenity of neighbouring properties by reason of noise pollution or other general disturbance.

Other Matters

18. The Council accepts that it cannot provide a 5 year supply of deliverable housing sites. Accordingly, Paragraph 11 of the National Planning Policy Framework (the Framework) is engaged. This states that where the policies which are most important for determining a proposal are out-of-date, planning permission should be granted unless 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.

19. In terms of benefits, the proposal would make a small contribution towards local housing supply by introducing a new dwelling into a sustainable location, close to public transport links and local services. The dwelling would also benefit from an efficient means of energy production. However, the proposal is only for one dwelling and consequently, these matters only hold a limited degree of weight in favour of the proposal.
20. Despite the benefits, I have found that the proposal would result in considerable harm to the character and appearance of the area. It would also have a harmful effect on local biodiversity. For the reasons identified above, these matters are of overriding concern and therefore, I am satisfied that they significantly and demonstrably outweigh the benefits of the proposal. Accordingly, the presumption in favour of sustainable development does not apply.
21. Although the proposal would not harm the living conditions of the occupants of the neighbouring property, a lack of harm is not the same as a benefit. Consequently, this matter weighs neutrally in my assessment of the appeal.

Conclusion

22. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR