



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: 10 January 2020

Appeal Ref: APP/M3645/W/19/3236908 8 Harestone Lane, Caterham CR3 6BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Clive & Elaine Asprey against Tandridge District Council.
 - The application Ref 2019/1120, is dated 19 June 2019.
 - The development is proposed three bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a three bedroom dwelling at 8 Harestone Lane, Caterham CR3 6BD in accordance with application reference 2019/1120, dated 18 June 2019, subject to the conditions in the attached schedule.

Main Issues

2. The appeal is a result of the application not being determined in the prescribed time period. However, from the evidence before me, I consider the main issues to be:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on local biodiversity; and
 - iii) whether the proposal would achieve suitable carbon dioxide emission reductions, having regard to the requirements of local policy.

Reasons

Character and appearance

3. The appeal site is located within a residential area. It would have originally formed part of the garden to the existing dwelling, however, it has been subdivided from this broader part of the site. Within the area, the existing houses generally front onto principal roads and this establishes a loose perimeter block of houses with private gardens to the rear. In addition, due to the presence of mature landscaping and the space between buildings, the area benefits from an open and verdant character and in this respect, I agree with the findings of the previous Inspector on the site.
4. However, beyond the appeal site to the north, Nos 52 and 54 Underwood Road are located beyond the principal row of houses. Accordingly, they occupy a

back-land location with access provided by a small access road. Whilst these properties do not define the character and appearance of the area, they do benefit from space to the front and rear. Therefore, whilst the previous Inspector identified these properties as being uncharacteristically positioned, they do not appear cramped, and do not compromise the prevailing character and appearance of the area.

5. The proposal would introduce a new dwelling to the rear of No 8 which would align with Nos 52 and 54. In this respect, the proposal would be similar to the previously dismissed appeal. However, based on the evidence before me, the proposal has been reduced in size when compared to the previous scheme. Consequently, this development would be materially different. Accordingly, whilst I note the concerns from the previous Inspector in relation to the consolidating urbanising effect of the previous proposal, due to the amendments, I am satisfied that I am not bound by the findings of the previous Inspector in relation to the effect of the proposal on the character and appearance of the area.
6. The main bulk of the building would continue to appear as a single storey with a flat roof, however, the footprint of the building has been made smaller. Consequently, the building would have a greater degree of space about it, particularly towards the southern boundary of the site. In addition, due to the reduced footprint, the overall bulk of the building would be smaller.
7. The proposal would include a parking area with associated retaining wall structures which would increase the perceived quantum of development. In addition, the plot size of the proposed dwelling would be smaller than the surrounding houses. However, due to the reduced bulk and scale of the building, as well as its location on the site, I am satisfied that the proposal would appear as a well-considered building that would complement the siting and location of Nos 52 and 54 whilst maintaining the prevailing character and appearance of the area. Therefore, despite introducing a tandem development, the proposal would not appear cramped, or have an urbanising effect on the area.
8. The Council have also provided me with details of other appeal decisions which consider the matter of tandem development. I do not have the full details of these cases before me, but from the site plans provided, the context and character of the sites appear to be quite different to the appeal site. Consequently, I am satisfied that the sites are materially different and therefore I have attributed very little weight to these decisions in my assessment of the appeal.
9. For the reasons identified above, I conclude that the proposal would not harm the character and appearance of the area. It would therefore accord with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) and Policies DP7 and DP8 of the Tandridge Local Plan: Part 2 (2014) (LP). Taken together, these require development of a high standard of design that reflects, respects and maintains the character, setting and local context.

Biodiversity

10. 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.

11. Based on the evidence before me, a previously submitted Ecological Assessment identified that the site may provide suitable habitat for protected species. However, I have no evidence in relation to what these species may have been, and in refusing planning permission, the Council have not directly referred to the findings of the previous Ecological Assessment. Consequently, I have not been provided with any specific or detailed evidence in relation to the ecological sensitivities, or otherwise, of the site.
12. However, although the area has a verdant and open quality, the site is surrounded by well-maintained, private gardens. Moreover, the site itself is primarily laid to lawn and many of the perimeter trees on the site would be retained as part of the development. Therefore, in my view, the ecological value of the site in its current form would be limited and I have no substantive evidence before me to conclude differently. As a consequence, whilst the requirements of the development plan are clear, I have no compelling reason to consider that protected species exist on the site. Accordingly, I conclude that the proposal would not harm local biodiversity. It would therefore comply with Policy CSP17 of the CS and Policy DP19 of the LP which seek to protect biodiversity.

Carbon emissions

13. Policy CSP14 of the CS requires that the development achieves a 10% reduction in carbon dioxide emissions through the provision of renewable energy technologies. The schematics submitted with the proposal imply that the development would be provided with solar panels and although not specifically annotated, the roof plan also suggests that this would be the case. Consequently, I am satisfied that the policy requirement could be satisfactorily resolved subject to the imposition of a suitably worded planning condition.
14. Subject to such a condition, and having regard to the requirements of local policy as identified above, I conclude that the proposal would achieve suitable carbon emission reductions.

Other Matters and Conditions

15. I note the comments from the occupants of neighbouring properties in relation to the effect of the proposal on living conditions, with particular regard to light, privacy and noise. However, due to the height of the proposal, the location of proposed windows and the proximity to shared boundaries, I agree with the Council's conclusions on these matters. Based on the evidence before me, I also have no reason to disagree with the Council in relation to the effect of the proposal on land ownership or rights of way.
16. Although the appeal site is located on rising ground, I have no compelling evidence before me that the proposal would compromise the stability of surrounding land. Matters in relation to construction fall within the remit of the Building Regulations and consequently, it is not necessary to impose any conditions in relation to this matter. To do so would be to duplicate legislative requirements.
17. However, due to my findings set out above, conditions are necessary in the interests of precision and clarity to establish the time limit for the

commencement of development as well as to set out the approved drawing numbers.

18. Due to the location of the site, conditions are also necessary in relation to landscaping and materials. However, these matters do not go to the heart of the permission and consequently, I am not satisfied that they need to be resolved prior to the commencement of development. Accordingly, I have amended the relevant trigger for works to take place. I have also made small but necessary amendments to the content of the landscaping condition to make it less onerous. In making these changes, I am satisfied that the Council could still exercise a suitable level of control over the development.
19. Due to the location of the site and proposed access arrangements, conditions 5, 6 and 7 are necessary in the interests of highway safety. Moreover, due to the requirements of condition 7, this does need to be agreed prior to the commencement of development. Accordingly, the appellant has agreed to this matter in writing. However, I have removed a similar requirement from condition 5. Although the new access is necessary, due to the more specific requirements of condition 7, it is not necessary for both matters to be agreed prior to the commencement of development.
20. Condition 8 is necessary to ensure that the development achieves a suitable reduction in carbon dioxide emissions. In addition, due to the nature of how this condition could be complied with, this information is necessary prior to the commencement of development, a matter to which the appellant has agreed in writing. Finally, I am satisfied that due to the constraints on the site, there is clear justification to remove permitted development rights in line with conditions 9 and 10.
21. The Council have suggested that a condition requiring an ecological survey be imposed. However, in light of my findings identified above, such a condition is not necessary. In addition, based on the evidence before me, I am not satisfied that the suggested condition in relation to a fast charge socket for electric cars is necessary. Accordingly, I have not imposed it.

Conclusion

22. For the reasons identified above, the appeal should be allowed and planning permission should be granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision refers to drawings numbered 310-00 Rev C, 310-01 Rev A, 310-02 Rev A, 310-03 Rev A, 310-04 Rev A, 310-05 Rev A, 310-06 Rev A, 310-07 Rev A, 310-08 Rev A and 310-11 Rev A scanned in on 16 July 2019. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.
- 3) Prior to their installation, full details of both hard and soft landscape works shall be submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved.

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

The hard landscape works shall be carried out prior to the occupation of the development.

- 4) Prior to their installation, the materials to be used in the construction of the external surfaces of the extension/dwelling hereby permitted shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with these approved details.
- 5) The development hereby approved shall be provided with a modified vehicular access to Harestone Road with visibility zones for the maximum achievable across the frontage taken from 2.4m back of the edge of the highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
- 6) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning area shall be retained and maintained for their designated purpose.
- 7) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors;

- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) HGV deliveries and hours of operation; and
- (e) measures to prevent the deposit of materials on the highway

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

- 8) No development shall start until details of how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the District Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwelling hereby permitted shall be carried out without the express permission of the District Planning Authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the District Planning Authority.