
Appeal Decision

Site visit made on 28 January 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/M3645/W/19/3240397

42 Roffes Lane, Chaldon, Caterham CR3 5PT

- 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 Steve Murphy against the decision of Tandridge District Council.
 - The application Ref TA/2019/584, dated 13 September 2018, was refused by notice dated 21 October 2019.
 - The development proposed is the erection of 3 detached dwellings with associated parking and amenity space involving demolition of the existing dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A previous planning application for development at the appeal site involving the demolition of the house and erection of four houses complete with new access drive was dismissed at appeal in August 2019 (APP/M3645/W/18/3221326). I have paid regard to this decision, while at the same time considering this appeal on its own merits.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed dwellings identified on the plans as House B and House C on the living conditions of occupiers of properties nearby in terms of loss of privacy and sense of enclosure;
 - the effect of the proposed dwelling identified on the plans as House A on future occupants for the proposed dwelling in terms of loss of privacy and sense of enclosure; and
 - the effect of the proposed development on wildlife habitats, in particular bats and badgers.

Reasons

Character and appearance

4. The appeal site currently consists of a large detached 2 storey house of traditional appearance, with a range of ancillary buildings. The existing house is set well back from Roffes Lane on a large plot of land that rises steeply away from the road. The considerable set back of dwellings from the road, deep garden, and presence of mature trees and dense planting is a feature of the site that is consistent with other properties on Roffes Lane and gives the immediate area a character that is open and almost semi-rural in feel.
5. The proposed development would demolish the existing house and ancillary buildings that currently occupy the appeal site and replace them with 3 detached dwellings. The largest of the 3 dwellings, referred to as House A on the plans, would be located towards the front of the site, closest to Roffes Lane. The 2 smaller dwellings would sit behind House A to the rear of the site and are referred to as House B and House C on the plans. The dwellings would share access from Roffes Lane, facilitated by a long access driveway running down one side of the site and a turning circle outside Houses B and C. The proposed dwellings would share common design features, including gables facing towards Roffes Lane and window openings and materials that would give them a traditional appearance. Each dwelling would have garaging attached to it.
6. Houses B and C would sit on higher ground to House A and would be visible when viewed from the road and nearby houses and amenity spaces. Due to the scale and location of Houses B and C, they would be seen in these views to dominate the site. The combination of this, in addition to House A, would disrupt the current sense of openness that contributes to the character and appearance of the area and would introduce a denser form of development that is inconsistent with the character of the surroundings.
7. It is acknowledged that the proposed development would be of a density that would accord with Policy CSP19 of the Tandridge District Core strategy. Notwithstanding this, I find that the site specific impacts of the increased density proposed by the development would have a harmful effect on the character and appearance of the area.
8. It is also noted that House A, when viewed in isolation, has been acknowledged by the Council as not resulting in an unduly prominent form of development. However, House A would rarely be seen in isolation from the views identified and, for the reasons discussed above, when all 3 houses are considered as a whole the proposed development would have a harmful effect on the character and appearance of the area.

9. My attention is drawn to a development at 22 Roffes Lane. It is acknowledged that this development shares some features with the proposed development, most notably being 3 detached dwellings introduced to a long site that are configured in a similar way. Whilst on the same road as the appeal site, this development is some distance away and does not therefore form part of the context of the appeal site. This development is also in an area on lower ground that has a denser feel to it and is surrounded by different types of properties. Notwithstanding the presence of this existing development, it does not overcome the site specific harmful effects on the character and appearance of the area that are described above.
10. For the reasons outlined, the proposed development would have a harmful effect on the character and appearance of the surrounding area. Consequently, I find conflict with policy CSP18 of the Tandridge District Core Strategy and policy DP7 of the Tandridge District Local Plan: Part 2 which taken together seeks to achieve development that is of a high standard of design and, in particular, integrates effectively with its surroundings and reinforces local distinctiveness.

Living conditions – existing occupants

11. The nearest occupants to the proposed development are identified as being those living at the neighbouring 44 Roffes Lane, which shares a common boundary with the appeal site that runs the entirety of one side, and 40 Roffes Lane, which shares part of the boundary to the front of the site. Properties at 1, 1a and 3 The Heath share the side boundary to the rear of the site and 5 The Heath shares the rear boundary.
12. The rear gardens and windows of each of these properties currently enjoys a high degree of privacy and open outlook as a result of the deep rear gardens and open feel of the area.
13. In terms of sense of enclosure, Houses B and C would appear as dominant features due to their position on higher ground towards the rear of the appeal site, and their relationship to the rear and side boundaries. The effect of the proposed development would be most profound as experienced from the rear garden of 44 Roffes Lane, where the sense of enclosure created by the side wall of House C would impact significantly on the feeling of openness currently enjoyed from the central section of the garden. It is appreciated that the appellant has made an effort to bring House C away from the side boundary. However, this does not lessen the impact to an acceptable degree. As such, I find the sense of enclosure created to the rear garden of 44 Roffes Lane to be harmful to the living conditions of the occupiers of this property.
14. The sense of enclosure created to properties at 40 Roffes Lane and 1, 1a, 3 The Heath would be mostly experienced towards the rear of the gardens. As the outlook at the side boundaries of these properties would be largely preserved and remain open, I judge that the degree of enclosure created to these properties would not have a harmful effect on the living conditions of the occupiers.

15. In terms of privacy, it is noted that care has been taken to avoid including windows in the side elevations of Houses B and C. As such, the impact in terms of privacy to properties at the sides of the proposed development is acceptable.
16. Concern has been raised by the Council about new views created from the first floor windows of Houses B and C into the rear garden of 5 The Heath. It is noted that the proposed dwellings would be some distance away from the rear boundary and also that any views created would be mostly on to a section at the back of the large rear garden of 5 The Heath. As such, I judge that the degree of privacy loss created by the first floor windows of Houses B and C would not have a harmful effect on the living conditions of the occupiers of 5 The Heath.
17. As a result of the position of 40 Roffes Lane in relation to Houses B and C, I judge that no harmful impact in terms of sense of enclosure or loss of privacy would result from these dwellings. The demolition of the existing house and the introduction of House A further towards the front of the appeal site would have an impact on No.40 that would be neutral at worst, and may have a beneficial impact as House A would sit more consistently within the building lines of No.40 and therefore create improved privacy conditions to the rear garden.
18. For the reasons set out above, I find that the proposed development would have a harmful effect on the living conditions of 44 Roffes Lane in terms of sense of enclosure. Consequently, I find conflict with policy CSP18 of the Tandridge District Core Strategy and policy DP7 of the Tandridge District Local Plan: Part 2 which seeks to ensure that new development preserves the amenities of those living close to new development.

Living conditions – future occupants of House A

19. Concern is raised by the Council about the living conditions of future occupants of House A and whether the garden of this dwelling would be overlooked by the front first floor windows of Houses B and C to a harmful extent. Policy DP7 of the Tandridge District Local Plan: Part 2 requires a separation distance of 22 metres between habitable room windows of properties in order to protect privacy. Given the sloping nature of the site, it is noted that the previous appeal decision states that this standard between windows may need to be exceeded in order to create an acceptable standard of privacy.
20. It is noted that the distances between windows in the rear elevation of House A and the front elevations of Houses B and C are well in excess of the 22 metre standard and that the acceptability of the privacy conditions created between these windows does not appear to be a matter of disagreement. The concern centres instead on the conditions of the rear garden space of House A, which is thought to be just short of the 22 metre standard. As the standard in DP7 relates to privacy conditions of habitable rooms, where a higher standard of privacy is generally expected, I judge that a strict application of this standard to the rear garden of House A is not necessary. I conclude that the standards of privacy created to the rear garden of House A would be acceptable.

21. For the reasons set out above, I find that the proposed development would not have a harmful effect on the living conditions of future occupants of House A in terms of privacy. Consequently, I find conflict with policy CSP18 of the Tandridge District Core Strategy and policy DP7 of the Tandridge District Local Plan: Part 2 regarding standards to amenity.

Habitats

22. It is noted that the Preliminary Ecological Appraisal submitted with the planning application identifies that further work is needed in relation to the presence of bats and the location of a nearby badger set. As this work was not available at the time of the decision, and it would not be appropriate to control such matters using conditions, a reason for refusal was included relating to the impact of the proposed development on the habitats of wildlife.

23. The appellant makes reference to a supplementary report that has been submitted in support of this appeal. It is noted that this report has not been subject to consultation, most notably with the local Wildlife Trust. Given their stated likely interest in the report, and the conclusions reached elsewhere in this appeal, I do not judge it necessary or desirable to conclude on this matter.

Other matters

24. Representations from other parties in response to the original application and this appeal are noted. Some of the representations received support the Council's reasons for refusal and are discussed above. I have taken other representations into account, including those relating to highway safety and flooding. These are matters which do not affect my findings on the main issues.

Conclusion

25. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR