



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/19/3240773

Land on the south east side of Francis Road (between 31 and 37 Francis Road), Caterham CR3 5NR

- 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 Sarah Eyles and Tom Dunn against the decision of Tandridge District Council.
 - The application Ref TA/2019/863, dated 8 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is the demolition of an existing garage and the erection of a two bedroomed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of occupiers of 31 and 37 Francis Road in terms of sense of enclosure; and
 - the effect on the living conditions of future occupiers of the proposed development in terms of the size of the outdoor amenity space that would be created.

Reasons

Character and appearance

3. The appeal site is a narrow and deep strip of land that is currently occupied by a single storey garage. The site sits between 37 Francis Road, a two storey property of modern appearance, and 31 Francis Road, a single storey bungalow. Francis Road is a short road that is predominantly on a slope. The road is mostly residential in character and includes a mix of properties of modern and more traditional appearance that are of different sizes and appearances.

4. The proposed development would demolish the existing garage and replace it with a two storey dwelling with associated parking to the front and a garden to the rear. The dwelling would be of modern appearance and include a pitched roof with a gable facing Francis Road.
5. The proposed development would sit within a street that exhibits variety in building style, including dwelling widths and plot sizes. Whilst narrow and inconsistent with the immediate neighbours, the width of the appeal site is not completely out of character with dwellings in the area, in particular the narrower properties that face the site on Francis Road and form part of the immediate context.
6. The location of the proposed dwelling would respect the front building line of the neighbours and provide a set in from the side boundaries, at first floor level on the side with No.37 and at ground and first floor levels on the No.31 side. I note that No.31 has a roof with a hip at the side which, in combination with the design of the pitched roof of the proposed development, would provide a gap at first and roof levels between the two properties.
7. The location and design features described above, in addition to its general consistency with the pattern of other dwellings in the area, means that it cannot be regarded to result in a particularly cramped form of development when compared to the general street scene.
8. My attention is drawn to concerns about the ridge height of the new dwelling not being in line with the neighbours. Consistency in ridge height is not a strong feature of the street scene. The steep rise of Francis Road also serves to reinforce the variety in building heights. As such, the height of the proposed development would be consistent with the prevailing pattern of development in the area.
9. For the reasons outlined, the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Consequently, I do not 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 seek to achieve development that is of a high standard of design that, in particular, integrates effectively with its surroundings and reinforces local distinctiveness.

Living conditions – 31 and 37 Francis Road

10. There are residential properties on either side of the appeal site at Nos. 31 and 37 Francis Road, which each share a boundary with the side of the appeal site. Concerns around living conditions centre on the impact of the new dwelling on the side windows to No.31 and the side access to No.37
11. No.31 has side windows that would face the new dwelling. The appellant has submitted evidence to suggest the main windows in this side elevation serve a kitchen and a bathroom. I acknowledge that the position of the side wall of the existing garage that occupies the appeal site already creates some enclosure to the side windows of No.31. Notwithstanding this, as a result of the location of the proposed development, closer to the boundary with No.31, and the height of the side wall of the new dwelling in comparison to the scale of the existing garage, I judge that the proposed development would worsen the sense of

enclosure experienced from the side windows of No.31 further and to an unacceptable degree.

12. I note that one of the windows is thought to serve a bathroom, which would not be considered a habitable room. My main concern would therefore be with the impact on the kitchen window. Whilst it is acknowledged that the kitchen may have other windows, this would not serve to sufficiently reduce the overall concern about the sense of enclosure to this space. Consequently, I find that the proposed development would have a harmful effect on the living conditions of occupiers of 31 Francis Road in terms of sense of enclosure.
13. No.37 has a side passageway that runs between the main house and the side boundary that is shared with the appeal site. The proposed development would increase the sense of enclosure to the passageway. However, I note the proposed development has been set in at first floor level on the side with No.37. This would serve to reduce the degree of enclosure created to an acceptable degree. I also note that the primary purposes of the passageway is to serve as access between the front and rear of the property. As such, the use of the passageway is likely to be more transient than a front or rear garden and cannot be afforded the same level of protection. Consequently, I find that the proposed development would not have a harmful effect on the living conditions of 37 Francis Road in terms of sense of enclosure.
14. For the reasons set out above, the proposed development would have a harmful effect on the living conditions of 31 Francis Road 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 seek to ensure that new development does not significantly harm the amenities of occupiers of neighbouring properties by creating an overbearing effect.

Living conditions – Future occupants

15. Concerns around the living conditions of future occupants centre on the quality of the rear amenity space that would be created due to the width of the appeal site. It is acknowledged that the internal living accommodation is satisfactory. The appeal site is narrow, but also long. As such, the outdoor amenity space created by the proposed development would be of a satisfactory size and also generally comparable to other garden sizes in the area.
16. For these reasons, the outdoor amenity space created by the proposed development would not result in harmful living conditions being created for future occupants of the proposed development. Consequently, I do not 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 is of a high standard of design.

Planning balance

17. It is argued by the appellant that permission should be granted as the Council cannot demonstrate a 5 year supply of deliverable housing sites at present. In such circumstances, in line with footnote 7 to paragraph 11(d) of the National Planning Policy Framework ('the Framework'), relevant policies in the Local Plan should be regarded as out of date and 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, or specific policies in the Framework indicate that development should be restricted.
18. The appellant has submitted that the Council can only demonstrate 1.43 years of housing supply, evidenced principally by an appeal decision from June 2019. The Council does not contest that it cannot demonstrate a 5 year housing land supply, and does not present evidence to suggest that the shortfall is not in the order suggested by the appellant. As such, it is necessary to assess the proposed development against the requirements of the presumption in favour of sustainable development in paragraph 11 of the Framework
19. Firstly, none of the relevant policies in the Framework that are designed to protect area or assets of particular importance apply, as set out in footnote 6 to paragraph 11(d)(i).
20. To assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits it is necessary to consider the benefits of the proposed development against the policies in the Framework taken as a whole, including the stated purpose of the planning system, which is the achievement of sustainable development – comprising the three overarching social, economic, and environmental objectives.
21. The benefits of the proposed development primarily relate to the contribution that it would make to overall housing supply in the area, and the overall social and economic benefits that this brings. It is acknowledged that the proposed development would only result in the addition of 1 dwelling, which in itself is only a very small contribution to housing supply but beneficial nevertheless. I also note that the proposed development would create a smaller dwelling which, by virtue of its size, has greater potential to provide entry level housing for first time buyers and others to support the housing needs of different groups. The appellants evidence regarding the proposed development being a self build project is also noted.
22. There would be economic investment, and therefore benefits, resulting from both the construction and subsequent occupation of the proposed development.
23. The adverse impact identified is on the living conditions of 31 Francis Road in terms of sense of enclosure to side windows, as discussed in detail above. In pursuing its environmental objectives, the Framework seeks to create places that are well designed and, specifically at paragraph 127(f), ensure that development creates a high standard of amenity for existing and future users.
24. As I set out above, the side windows to 31 Francis Road already experience a degree of enclosure from the existing garage, and the proposed development would worsen this further to a degree that is unacceptable.

25. Weighing up the benefits and adverse impacts discussed above, I judge that the impact on the living conditions of the neighbouring property significantly and demonstrably outweighs the benefits identified of introducing a single dwelling to the appeal site. As such, the presumption in favour of sustainable development a paragraph 11 of the Framework directs me towards refusing planning permission.

Other matters

26. 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 highways matters (including during construction), hedges, connections to mains water and sewerage, drainage and flooding, removal of asbestos from the existing garage, scaffolding and permissions from neighbours for the erection of scaffolding and access. These are matters which do not affect my findings on the main issues.

Conclusion

27. The appeal is dismissed.

D.R. McCreery

INSPECTOR