
Appeal Decision

Site visit made on 4 February 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 24th February 2020.

Appeal Ref: APP/M3645/W/19/3238089

Sandiford House, 40 Stanstead Road, Caterham CR3 6AB

- 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 Habinteg Housing Association against the decision of Tandridge District Council.
 - The application Ref TA/2019/82, dated 21 December 2018, was refused by notice dated 28 June 2019.
 - The development proposed is erection of terrace of 4 dwellinghouses with associated parking and amenity space and installation of lift shaft and associated refurbishment works to existing frontage building.
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Decision

1. The appeal is dismissed insofar as it relates to erection of terrace of 4 dwellinghouses with associated parking and amenity space. The appeal is allowed insofar as it relates to installation of lift shaft and associated refurbishment works to existing frontage building and planning permission is granted for installation of lift shaft and associated refurbishment works to existing frontage building at Sandiford House, 40 Stanstead Road, Caterham CR3 6AB in accordance with the terms of the application, Ref TA/2019/82, dated 21 December 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the Schedule of Conditions below.

Application for costs

2. An application for costs was made by Habinteg Housing Association against Tandridge District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description above is taken from the Council's decision notice. The application was originally submitted for 5 dwellings but was subsequently amended to 4 and the revised description set out above was agreed between the parties.

Background and Main Issues

4. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area; and

- ii) the living conditions of the existing residents of Sandiford House in respect of noise and disturbance and safety.

Reasons

Character and appearance

5. The prevailing character of Stanstead Road is of large, detached houses or blocks of flats in sizeable plots. There are also a number of higher density cul-de-sacs and closes in the area, generally set back from the road, including White Hill Close adjacent to the appeal site. Dwellings are predominantly traditional in form, with pitched roofs over brick and render elevations with some tile hanging. To the rear of the site are the sports pitches and large pavilion of Caterham School, both of which are in the Green Belt and an Area of Greater Landscape Value (AGLV). From those areas, mature vegetation along rear boundaries provides considerable screening of the existing properties along Stanstead Road.
6. While Sandiford House would largely screen the proposed dwellings from view from Stanstead Road, they would be clearly visible from White Hill Close, neighbouring gardens, and the sports pitches, pavilion and associated parking at the rear. From these vantage points, they would be seen in context with the rear row of dwellings of White Hill Close.
7. Although the proposed dwellings would be of similar height to the adjacent property, they would be 2-storeys in height for their full depth, whereas No 12 has a significant single storey element to the rear. Due to their depth and significant flat roof elements, the bulk of the proposed dwellings would therefore be considerably greater than the neighbouring properties. This bulk would be particularly apparent from the side, where the roof form would be clearly visible, and from the rear, where the first floor of the proposed dwellings would be closer to the boundary than that of the neighbouring property. From the front and rear, the proposed terrace would appear as a solid block of built form, with only limited articulation created by the slight stagger proposed.
8. The removal of several small trees along the rear boundary would increase the visual impact of the proposed dwellings and the remaining hedge and large, deciduous trees in the neighbouring gardens would provide only limited screening. The modest gardens would not provide enough space to allow for replacement planting of sufficient size to break up the massing of the proposed dwellings. Consequently, the proposed dwellings would be a prominent and dominant feature at the end of the existing row of development and would detract from the relatively spacious and green character of the area.
9. The pitched sections of roof at the front and rear of the proposed dwellings would be small in proportion to the walls beneath, with a high eaves level. Combined with the elongated shape and form of the windows these elevations would have a strong vertical emphasis. This would contrast with the side elevations, which would have a strong horizontal emphasis due to the depth of the buildings, the central area of flat roof and the rows of panels of different brick bond. While those panels would create some visual interest on an otherwise blank elevation, they would do little to break up the mass of the building. As a result, the proposed dwellings would be poorly proportioned and

have a confused appearance which would contrast harmfully with the traditional forms of the dwellings adjacent.

10. I note that there are a few terraces in the area and dwellings incorporating contemporary design elements. In principle, such features would not be out of character with the area. The density and plot sizes of the proposed dwellings would also be largely consistent with the smaller of those in White Hill Close and as such would not be inappropriate in this context. However, while the proposed dwellings would use similar materials to those in the surrounding area, for the reasons above their form, massing and detailing would not complement or be sympathetic to the character of the surrounding area or add to its overall quality.
11. Accordingly, the proposed dwellings would result in significant harm to the character and appearance of the area and conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 (CS) and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 (LPP2), both of which, amongst other things, require high quality design that reflects, respects and contributes to the distinctive character and appearance of the area and local context. Furthermore, they would conflict with the policies of the Framework which place great emphasis on the importance of high-quality design.
12. The impact of the proposed dwellings would be limited to the immediate area around the site and as such there would be no significant impact on the wider landscape character of the AGLV. The proposed dwellings would be a continuation of the line of existing houses in this backland position and as such, would not harm the openness of the Green Belt or any of the purposes that it serves, as set out in paragraph 134 of the National Planning Policy Framework (the Framework).
13. The proposed lift shaft for Sandiford House would be largely screened by the existing building and the proposed new side entrance would have a minimal impact on the appearance of the building. As such, these elements of the proposal would not have a significant impact on the character and appearance of the area. Consequently, they would not conflict with CS Policy CSP18 or LPP2 Policy DP7.

Living conditions

14. The location of the proposed access, parking and manoeuvring areas would generate some noise and disturbance for users of the garden and the occupiers of the ground floor rear flat, which has two windows facing the access. With only 4 dwellings proposed however, the number of vehicle movements would be modest and the single lane access would keep vehicle speeds low. Consequently, the levels of noise and disturbance would be relatively low. Furthermore, the relationship between the rear flat and vehicles would not be dissimilar to that already experienced by occupiers of the front flats, who have the existing parking area outside their windows. Accordingly, these aspects of the proposal would not result in significant harm to the living conditions of the occupiers of Sandiford House or their ability to enjoy the garden area.
15. The proposed access arrangements would involve vehicles passing what is currently the main entrance to Sandiford House, which is now proposed as a secondary entrance. The existing building would limit visibility between pedestrians using this door and vehicles using the access, creating potential

safety hazards. If it were only used for emergency use however, as the appellant suggests, the potential for conflict would be substantially reduced. This could be secured by an appropriately worded planning condition.

16. Accordingly, the proposal would not result in significant harm to the living conditions of the occupiers of Sandiford House in respect of noise and disturbance or safety. As such, it would not conflict with those parts of CS Policy CSP18 and LPP2 Policy DP7 which require development to create safe and secure environments and not to significantly harm the amenity of neighbouring properties by reason of pollution, traffic or other general disturbance.

Planning Balance

17. The appeal site is in a Category 1 settlement and as such, residential development in this location would accord with the spatial strategy in CS Policy CSP1. In addition, I note that the site is proposed to be allocated in the emerging Tandridge Local Plan 2033 for housing development. However, as no details of the level of objection to that proposed allocation have been provided and the Examining Inspector's report has not yet been published, I can give this only limited weight.
18. The appellant states that the proposed dwellings would finance the refurbishment of Sandiford House, which could not otherwise be funded. Although there is no detailed evidence before me of the circumstances of the residents, the appellant mentions that some have special needs. As such, there is a reasonable likelihood that some of the residents may share a protected characteristic. In the light of this, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
19. The enhancement of the affordable housing accommodation in Sandiford House and improvements to accessibility for residents would be significant benefits of the proposal. Dismissal of the appeal would undoubtedly delay the ability of the appellant to undertake these works. I do not however have any detailed information on the condition of the building or any specific issues or difficulties resulting from its current condition. The renovation and modernisation works referred to in the submissions include the lift shaft and new entrance in this appeal, but also internal alterations which are unlikely to constitute development and cannot therefore be secured by a planning condition. Consequently, there is no mechanism before me to ensure that all of the works necessary to realise the stated benefits would be undertaken should the appeal be allowed.
20. Furthermore, there is no substantive evidence before me that the number and scale of dwellings proposed is the minimum necessary to fund those works. As such, it has not been demonstrated that these benefits cannot be achieved without the harm identified to the character and appearance of the area. Consequently, I can only afford these benefits moderate weight.
21. The proposal would contribute to the Framework objective of boosting the supply of homes in a District constrained by the presence of Green Belt and landscape designations. Although the appellant refers to the housing need and

targets for the area, I have no details of the Council's delivery against these figures or its current housing land supply position in respect of Framework paragraph 73. Therefore, it has not been demonstrated that the presumption in favour of sustainable development in Framework paragraph 11d) is engaged by virtue of footnote 7.

22. The proposal would deliver housing in a built-up area with reasonably good access to facilities, services and public transport. The construction and occupation of the proposed dwellings and the New Homes Bonus provided to the Council would also provide economic benefits. Given the modest scale of the development proposed however, the scale of these benefits would be commensurately modest.
23. The proposed dwellings would accord with the objectives set out in the Framework to make efficient use of land and support the development of small and medium sites and windfall sites in existing settlements. They would however conflict with the Framework objectives to achieve well-designed places and high-quality design.
24. The size of the proposed dwellings would exceed the minimum standards set out in the Government's Technical Housing Standards: Nationally Described Space Standards. The proposal would also incorporate sustainable construction and energy measures, car and cycle parking and sustainable drainage systems, which would comply with relevant development plan policies. The layout of the access would also allow for retention of the large protected trees along the boundary of the site. These would only mitigate the effects of the proposed development and potential impacts on future occupiers, flood risk and the highway network however. As such they would be of neutral consequence in the planning balance.
25. I recognise that the appellant entered into pre-application discussions with the Council and has sought to engage with the Parish Council, as encouraged by the Framework. Nevertheless, for the reasons given above, the proposed dwellings would result in significant harm to the character and appearance of the area. Consequently, I find that they would conflict with the development plan when read as a whole.
26. The relevant policies of the development plan are consistent with the Framework and I therefore give substantial weight to the conflict with those policies. The proposed dwellings would result in some economic and social benefits, however they would be comfortably outweighed by the significant harm and associated development plan conflict identified above.

Conclusion

27. While the proposed dwellings would not result in significant harm to the living conditions of the residents of Sandiford House, this element of the proposal would result in significant harm to the character and appearance of the area. Therefore, in respect of the proposed dwellings, having regard to the benefits of the proposal, the Framework and with due regard to my PSED, I conclude there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan. Therefore, in this respect, the appeal is dismissed.

28. The proposed entrance alterations and lift shaft for Sandiford House would however comply with the relevant policies of the development plan. They are clearly physically separate from the proposed dwellings at the rear of the site and severable from that part of the development. Therefore, I can issue a split decision and allow these elements of the appeal scheme subject to conditions.

Conditions

29. In respect of the development proposed for Sandiford House, a condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty. A condition is necessary to secure details of the external materials for the lift shaft in the interests of the character and appearance of the area, given that several different options are mentioned in the submissions.
30. A construction management plan (CMP) for the construction of the lift shaft is necessary in the interests of the living conditions of existing residents in respect of noise and disturbance, to avoid conflict between construction activities and visitors to the site in the interests of their safety, and to avoid damage to protected trees, in the interests of the character and appearance of the area. As construction of the entrance canopy would take a relatively short period and affect only a small part of the site however, this would be unlikely to have any such impacts and therefore does not need to be covered by the CMP. Accordingly, as the entrance development could be carried out independently of the lift shaft, there is no need for this to be a pre-commencement condition.
31. There is no evidence before me that the extent of construction proposed would be likely to damage the highway. As such, that part of the Council's suggested condition relating to condition surveys and a commitment to repair any damage is not necessary. A separate condition is however necessary to require implementation of tree protection measures at an appropriate time and to prevent construction activity within the fenced areas, to safeguard those trees from damage.
32. The other conditions suggested by the Council relate to the proposed dwellings and as such are not necessary in relation to the limited part of the appeal allowed. Without the access proposed to the rear, a condition to limit use of the secondary access door to Sandiford House is also unnecessary.

L McKay

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 934-GE01-P3, 934-GE02-P3, 934-GE03-P3
- 3) No materials shall be installed on the exterior of the lift shaft hereby approved unless in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 4) No development shall commence on the construction of the lift shaft hereby approved, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) the parking of vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) programme of works (including measures for traffic management);
 - v) provision of boundary hoarding behind any visibility zones;
 - vi) HGV deliveries and hours of operation;
 - vii) vehicle routing;
 - viii) measures to prevent the deposit of materials on the highway;
 - ix) on-site turning for construction vehicles;
 - x) tree protection measures for retained trees;
 - xi) measures to control the emission of dust and dirt during construction;
 - xii) delivery, demolition and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 5) All tree protection fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of construction of the lift shaft, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.