
Appeal Decision

Site visit made on 12 February 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2020

Appeal Ref: APP/M3645/W/19/3242244

10 St Johns Meadow, Blindley Heath, RH7 6JU

- 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 Justin Owens of Silverleaf Group against the decision of Tandridge District Council.
 - The application Ref: TA/2019/1675 dated 16 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is erection of a detached 3-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The third reason for refusal related to a reduction in carbon dioxide emissions. The Council has since advised that the additional information provided by the appellant, as set out in the Energy Statement from Base Energy, addresses this reason for refusal. I therefore do not address this matter in the reasoning below.
3. The appeal site is located within the village of Blindley Heath, within the Green Belt. An Inspector for a previous appeal¹ on the site found that development of a dwelling in this location would not be inappropriate development in the Green Belt. Given the similarity between that scheme and the appeal proposal before me, I am satisfied that it has been established that development of this nature would not be inappropriate development. I have therefore not considered this matter further.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbours at 10 St Johns Meadow and Flat 2 Heath Court, with particular regard to noise, disturbance and privacy; and

¹ APP/M3645/W/19/3224146

- whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site forms part of the rear garden to 10 St John's Meadow (No. 10). This is a semi-detached, two-storey house. It forms part of an estate of similarly designed properties, dating back to the 1970s in a style and design reflective of that period. Properties are set back behind front gardens and driveways with their principle elevations to the highway. A similar pattern of development extends along Featherstone which runs into St Johns Meadow.
6. The proposed house would be a single-storey, L-shaped building with a flat roof. It would be positioned towards the side and rear boundaries of the site. This scheme differs from the previous appeal proposal for this site which was for a two-storey dwelling positioned more centrally within the site.
7. The proposed house, being set to the rear of No. 10 would not address the road and as such would appear at odds with other properties fronting St Johns Meadow which have their main elevations addressing the road. The building has been positioned in an attempt to conform with the pattern of development in the locality and particularly to align with 6 and 7 St Johns Meadow. However, it would neither follow the building line of these properties, share a frontage nor be oriented in the same direction as them. It would not therefore relate to these houses. Furthermore, with its access via a narrow path between No. 10 and Heath Court it would be inconsistent with the pattern and layout of the wider estate. In my view, this does not overcome the harm to character and appearance identified by the previous Inspector.
8. With the proposed house being single storey, it would not be widely visible from the public realm although it would be visible between No. 10 and Heath Court. Nevertheless, the increased activity of people entering and exiting the site in association with an entirely separate dwelling would serve to emphasise the inappropriate position of the development.
9. No. 10 has a larger garden than its immediate neighbours. However, the subdivision of this garden would result in a smaller plot for No. 10 than neighbouring properties and a comparably sized plot for the appeal site. However, the footprint of the proposed building would be relatively large compared to the size of the plot. Whilst the proposed development may exceed the minimum separation distances to adjoining dwellings, it would nevertheless appear cramped within its plot. This would also be out of keeping with surrounding development, which have a more spacious arrangement with front and rear gardens.
10. The National Planning Policy Framework (the Framework) does not define the term 'infilling'. Policy DP12 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan) which predates the Framework sets out where infill development within Defined Villages in the Green Belt would be acceptable. The policy is sufficiently flexible to allow for development that may go beyond the strict definition of infilling subject to that development being in character with the village. As such, it is not more restrictive or inconsistent with the Framework.

11. The proposed house would have a contemporary appearance. However, whilst it appears to be of good design, the flat roof would be out of keeping with the prevailing form of development which have pitched roofs. The flat roof design, whilst reducing the visual prominence of the building, would be at odds with surrounding development.
12. I conclude that the proposed development would harm the character and appearance of the surrounding area. It would therefore be contrary to Policy CSP18 of the Tandridge Core Strategy 2008 (Core Strategy) and Policies DP7 and DP12 of the Local Plan. These policies together require development to be of a high quality of design, to reflect and respect local character, setting and context.

Living Conditions for existing occupiers

13. The proposed house would have an area of parking to the front and side of No. 10 and a pedestrian access beyond this leading to the proposed house. A storage area for waste and recycling bins would be positioned along the pedestrian path adjacent to the boundary with No. 10.
14. The additional parking associated with a separate dwelling would intensify the use of the driveway area to the front and side of No. 10. With space for two cars parked in tandem, there would be additional manoeuvring of vehicles either reversing into or off the drive. Whilst the vehicle movements associated with a single dwelling would be relatively low, any vehicle manoeuvring would be at the front and side of the properties of No. 10 and Flat 2 Heath Court and would give rise to some noise and disturbance to these neighbours.
15. Furthermore, with no fencing or alternative screening separating the proposed drive from the forecourt of No. 10, future occupants would regularly be passing close to the ground floor window to the front of No. 10 with direct views into this. This would give rise to a significant loss of privacy for these existing occupants.
16. The Council have raised a concern that the pedestrian access could be altered to form a vehicular access in the future. However, the scheme before me does not propose this and I am satisfied this could be controlled by a condition. I also acknowledge that such a change could be made now in association with the existing dwelling, however, I have no substantive evidence that such a change would be made and I have therefore given this very limited weight.
17. The bin storage would be close to the ground floor window to Flat 2 in Heath Court and to windows in No. 10. The use of this storage area, with bins being filled and moved could give rise to some increase in noise and disturbance to these adjoining occupiers.
18. I conclude that the proposed development would significantly harm the living conditions of neighbours at No. 10 and Flat 2 Heath Court, with particular regard to noise, disturbance and privacy. It would therefore conflict with Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan. These policies together require new development to not harm the amenity of neighbouring properties by reason of noise, disturbance and overlooking.

Living Conditions for future occupiers

19. The proposed house would have its main garden space at the front and in the area adjacent to the rear garden of No. 10. Given the relatively short distance from the rear elevation of No. 10 and the garden of the proposed house, some overlooking of this space may be possible. However, the separation distance is only marginally less than that between other properties within the locality including those adjacent and 6 and 9 St Johns Meadow.
20. I acknowledge that the previous Inspector found the close relationship between No. 10 and the appeal site would result in an unacceptable level of overlooking of the host property. However, the previous scheme proposed a taller building, closer to the boundary with No 10. In the proposal before me, the primary garden area is set further back from the boundary with No. 10. As such, I do not find there would be an unacceptable degree of overlooking of the garden to the appeal property.
21. I conclude that the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to privacy. It would therefore accord with Policy DP7 of the Local Plan which requires proposals to provide a satisfactory environment for the occupiers of new development.

Other Matters

22. The appeal scheme would provide a three-bedroom family house for which there is an identified need within the District. It would also be within a village location with some service provision and access to transport. The location of the development would therefore not require over reliance on car travel. These benefits weigh in favour of the development.
23. The proposed accommodation would provide adequate indoor and outdoor space for its occupiers. This is a neutral factor.
24. The lack of objection from the adjoining neighbour cannot automatically be assumed to demonstrate support for the scheme and does not justify the proposal. I therefore give this no weight.
25. The appellant has indicated that the building would be no larger than a building that could be erected under permitted development. However, I have been provided with no evidence that this is the case. In any event, an outbuilding ancillary to a dwelling would be an entirely different form of development to a standalone dwelling. I therefore also give this no weight.

Planning Balance

26. The Council cannot demonstrate a 5-year supply of deliverable housing land, this is not disputed. This represents a housing shortfall. In such circumstances, paragraph 11 of the Framework indicates that housing policies should be regarded as out of date. Paragraph 11 d) of the Framework makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
27. The provision of a detached dwelling in an accessible location would contribute to the supply of housing. However, that contribution in this case is very

modest and my finding is that the harm to character and appearance and living conditions would significantly and demonstrably outweigh the factors in favour of granting permission.

Conclusion

28. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR