The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/M3645/D/19/3242272
104 Stafford Road, Caterham CR3 6JE

- 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 Ionut Cioroianu against the decision of Tandridge District Council.
- The application Ref TA/2019/1306, dated 18 July 2019, was refused by notice dated 17 October 2019.
- The development proposed is described as the "erection of 3.0m deep single storey extension on rear of the new house".

Decision

1. The appeal is allowed and planning permission is granted for the erection of 3.0m deep single storey extension on rear of the new house at 104 Stafford Road, Caterham CR3 6JE in accordance with the terms of the application, Ref TA/2019/1306, dated 18 July 2019, subject to the following condition:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: BA-098 (Site Location Plan), BA-099 (Existing Arrangement), BA-100 Rev C (Proposed Block + Landscaping Plan) and BA-200 (Proposed Arrangement).

Preliminary Matter

2. The development was complete at the time of my visit. I was therefore able to view the extension at the appeal site.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupiers with particular regard to private garden space.

Reasons

4. The appeal site forms a semi-detached dwelling that is set down considerably so that the roof of the property is visible from street level. The property is accessed via steps that traverse the front of the property where they meet an open space set in front of the dwelling. To the rear of the site is a garden area set behind the already erected single storey extension.

5. The extension has the same depth as the extension on the adjoining property. The rear of the site would provide a garden area of approximately 7.3m in depth which the Council find substandard and results in harm to the living conditions of future occupiers due to the limited external amenity space. The

Council also refer to a previous appeal at the site which considered a development of an attached three bedroom dwelling at the site. Although the Council has not provided me with a copy of the appeal decision or its reference number, it has nonetheless referred to some of the paragraphs within the letter whereby the Inspector concludes that the garden area proposed was not adequate for the potential occupancy of five people.

6. I am mindful that the Council does not have a policy that relates to specific garden sizes for residential developments. Nonetheless, paragraph B.8 of Policy DP7 of the Tandridge District Council Local Plan Part 2: Detailed Policies 2014 (the Local Plan) seeks to ensure that proposals are provided with a satisfactory environment. In this instance, the appeal site provides a garden to the rear and side of the dwelling, along with a level and private patio area to the front. This is in contrast to the appeal decision where the Inspector queried the use of the front garden as the "*steep slope of the site renders much of this of little practical value*", which is not the case before me. In addition, the width of the garden area to the rear at some 11m would also compensate for the loss in depth of the site. I am therefore satisfied that the development would be provided with a satisfactory environment.

7. Thus, I find that the appeal site would provide adequate outdoor amenity space to the front and rear of the site. It would not be in conflict with Policy DP7 of the Local Plan, the requirements of which are specified above.

Conditions and Conclusion

8. As the development has been carried out, there is no requirement for a condition relating to the commencement of the development. A condition regarding materials is also not required as the development has been carried out using ones that are complementary to the main dwelling. However, for the avoidance of doubt, I have specified the plans to which the development shall accord.

9. Thus, for the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR