
Appeal Decision

Site visit made on 10 March 2020

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

An Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/M3645/W/19/3242279
31B Banstead Road, Caterham CR3 5QH

- 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 Damen Bhatia against the decision of Tandridge District Council.
 - The application Ref TA/2019/1518, dated 24 August 2019, was refused by notice dated 22 November 2019.
 - The development proposed is conversion of retail unit to form a one 2 bed (3 person occupancy) flat and a single storey rear extension to form a one 1 bed flat (1 person occupancy). The 1 bed flat would incorporate the existing garage and office space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal property should continue to be available for retail use by virtue of the contribution the use makes to the surrounding area.
 - The effect of the proposed extension on the character and appearance of the host building and the surrounding area.
 - Whether the development would create satisfactory living conditions for future occupiers of the proposed flats.
 - The effect of the proposed development on the local road network in terms of parking provision.

Reasons

Whether the retail use should continue to be available

3. The appeal site is a detached building located in a residential area at the junction of Banstead Road and Oak Road. The ground floor of the building currently appears to be vacant but was previously in use as a DIY shop.
4. The Tandridge Local Plan sets out a policy approach to considering proposals that involve commercial uses, including retail. Of particular relevance to this appeal are Policy CSP22 of the Tandridge District Core Strategy and Policy DP4 of the Tandridge District Local Plan Part 2: Detailed Policies.

5. Policy DP4 includes the requirement to carry out an active marketing exercise as part of demonstrating that a site is no longer viable. The appellant indicates that a 6 month marketing exercise was carried out, rather than the 12 months that is indicated in DP4 and it's supporting text. The appellant indicates that the decision to carry out a shorter exercise was made on the grounds that the business was previously marketed for a period of 2 years between 2011 and 2013 and other development had taken place in the area involving the loss of commercial uses.
6. The text that supports Policy DP4 acknowledges that demand for employment land fluctuates in response to changes in the economy and market demands. I have noted the 2 year marketing exercise carried out between 2011 and 2013. While this provides some evidence of interest in the site at that time, given its age, I do not find it to be a strong indicator of current levels of likely market demand. I therefore find this evidence insufficient to meet the policy requirement in DP4 and can therefore give it only limited weight.
7. The more recent exercise from 2019 provides a stronger indication of current levels of interest in the site. However, as it was only carried out for 6 months it does not meet the 12 month requirement set out in Policy DP4. I do not find that previous marketing from 2011 to 2013 and the evidence submitted relating to other properties provides sufficient justification for casting the requirements of DP4 aside.
8. I acknowledge the Council's concerns about the location of the agent undertaken to carry out the 6 month marketing exercise. I do not find this to be unsatisfactory, nor do I see anything else in the evidence to suggest that the more recent marketing exercise was not active, other than it not being carried out for long enough as detailed above.
9. I am sympathetic to the appellants comments about the decline in demand for the DIY shop and passing trade over the years. I also acknowledge that Policy CSP22 is fundamentally a permissive policy in relation to the reuse of commercial sites, however it is still subject to the requirements of DP4. As such, for the reasons set out above, I am unable to conclude that the retail use could not make a contribution to the surrounding area. Consequently, I find conflict with Policy CSP22 of the Tandridge District Core and Policy DP4 of the Tandridge District Local Plan Part 2: Detailed Policies which taken together sets out the policy approach to considering proposals that involve commercial uses with the aim of developing a sustainable economy.

Character and appearance

10. The area around the appeal site is characterised by its mostly residential nature. Properties are generally of modern appearance and exhibit some variety in terms of their scale and position within their plots, with some consistency provided by the set back of buildings from the highway to provide either small gardens or parking areas. The appeal property sits in a prominent position at the junction of Oak Road, which allows close public views of the front, one side, and the rear elevation.

11. The proposed rear extension would be large, covering much of the rear wall of the host property at ground floor level and taking up a significant portion of the currently open rear yard that it would project in to.
12. The impact of the extension would be reasonably localised in its extent due to the rear yard location and high wall and fence/gate that encloses it. However, due to the size of the extension, when seen from neighbouring properties and public spaces nearby it would fundamentally alter the shape and appearance of the rear of the host building. It would also introduce a cramped form of development that would not relate well to the immediate surroundings.
13. I appreciate that attempts have been made to step in part of the extension at the side. However, these layout features would not go far enough to lessen the impact of what would be a significant addition. I give some weight to the benefits that would result from the removal of an existing first floor canopy that is considered to detract from the character and appearance of the area. However, this would not satisfactorily mitigate against the identified harm that would result from the proposed extension.
14. In light of the above, I find that the proposed extension would have a harmful effect on the character and appearance of the host building and 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: Detailed Policies which taken together seeks to ensure that development is of a high standard of design and respects the character and local context of its surroundings.

Living conditions – future occupiers

15. Concerns raised by the Council in respect of the living conditions of future occupants of the 2 proposed flats centre on the outlook provided from some of the windows and the external amenity space.
16. I note the Council's concerns about the quality of outlook from some of the habitable room windows towards the front and sides of the property. Whilst not ideal, I find that this aspect of the scheme could be adequately managed through conditions designed to secure satisfactory defensible space to the front of the property and obscured glazing of the windows that serve bedrooms below a particular height to the sides.
17. Turning to the external amenity space. Once the parking bays indicated on the plans are taken into account and provision is made for matters such as bin storage I do not consider that the remaining amenity space provided would be highly usable. However, given the size of the proposed flats would be likely to limit the number of intended occupants, I do not consider the external amenity space provided to be unsatisfactory.
18. In light of the above, the proposed development would create satisfactory living conditions for future occupiers of the proposed flats. Consequently, I find no conflict with Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies relating to standards of facilities provided in new development.

Parking provision

19. The plans indicate that 2 off street parking spaces would be provided to serve the 2 proposed flats. I note that guidance contained within the Tandridge Parking Standards Supplementary Planning Document (SPD) indicates that a minimum of 3 car parking spaces should be provided to support the development.
20. The SPD indicates that the requirements around parking standards apply equally to all parts of the District and therefore have limited local specificity. I also note that the SPD dates from 2012 and does not therefore consider more recent car ownership trends in the local area. The Council also acknowledge that the appeal site is located in a sustainable location with good access to public transport and that the proposed development makes provision for cycling facilities. Whilst acknowledging that parking stress in the area may be high, and having regard the standards in the SPD, in light of the sustainability of the location and provision that would be made for cycling facilities, I consider that the proposed development make satisfactory provision for off street parking.
21. In light of the above, I find that the proposed development would not have a harmful effect on the local road network in terms of parking provision. Consequently, I do not find conflict with Policy CSP12 of the Tandridge District Core Strategy and Policies DP5 and DP7 of the Tandridge District Local Plan Part 2: Detailed Policies which together require new development to make adequate provision for parking in the interests of preserving amenity and highway safety.

Other Matters

22. Representations from other parties are noted. Some of the representations support the Council's reasons for refusal and are discussed above. I have taken other representations into account, including those relating to access. These are matters which do not affect my findings on the main issues.
23. I acknowledge the comments from the appellant about the decision to undertake a 6 months marketing exercise being the result of discussions with Council officers. The appellant may choose to raise this concern directly with the Council. However, for the purposes of deciding this appeal this is not a matter that I can give a great deal of weight to.

Conclusion

24. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR