
Appeal Decision

Site visit made on 4 February 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 19th March 2020.

Appeal Ref: APP/M3645/W/19/3239019

Greenheyes, Uvedale Road, Limsfield RH8 0EN

- 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 Aziz Elkhadraoui against the decision of Tandridge District Council.
 - The application Ref TA/2019/481, dated 26 January 2019, was refused by notice dated 29 July 2019.
 - The development proposed is demolition of existing dwelling and erection of 7 apartments along with associated landscaping, parking & access.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matters

3. The appellant has submitted amended plans as part of the appeal. These reduce the number of car parking spaces from 14 to 8 and provide details of landscaping. The amendments proposed would result in a materially different scheme to what was considered by the Council. However, they have been subject to consultation as part of the appeal and both the Council and interested parties have provided comments on the amount of parking and consequent impacts, to which the appellant has responded. Therefore, there would be no prejudice to any party by my accepting these amended plans.

Main Issues

4. Therefore, the main issues are the effect of the proposed development on:
 - i) the character and appearance of the area; and
 - ii) sustainable transport modes and highway safety.

Reasons

Character and appearance

5. Greenheyes is a detached house which occupies extensive landscaped grounds on sloping land, with mature trees and hedging around the boundaries largely screening the house from the road. It is typical of the distinctive loose knit

pattern of single dwellings in Uvedale Road and surrounding roads. The resulting low density of development, spacious settings of the dwellings and degree of concealment give the area a secluded, verdant and wooded feel and make an important contribution to the character and appearance of the area.

6. The parties have directed me to an extant permission¹ for replacement of the existing dwelling with a much larger single dwelling and garage. Although it is for 7 flats, the appeal proposal is designed to resemble a single dwelling and would be similar in width and general shape to the approved scheme. It would however be significantly deeper, with an additional rear gabled projection and single storey rear element with balconies. It would also have taller roofs on the side 'wings' and several more dormers and the central gable would be significantly larger and incorporate a sizeable third floor window. In combination, these changes would significantly increase the bulk of the building and its visual impact, and would emphasise the amount of accommodation being provided compared to the approved scheme.
7. While the boundary hedge would provide some screening, the upper parts of the building would be seen from the road in gaps between neighbouring properties and the considerable scale of the building would be readily appreciated. The depth of the building and the number of dormer windows, balconies and rear doors would also be visible from neighbouring properties and would clearly signpost the amount of accommodation being provided. Consequently, the proposal would have a materially greater impact than the approved scheme.
8. With low density development there is a comparatively low level of activity associated with both people and vehicles, even with large family dwellings. Consequently, the alteration from a single dwelling to 7 flats would inevitably result in an intensification of use and activity on the site.
9. Frontage outbuildings such as garages are found nearby and therefore, the bin/cycle store proposed would not look out of place. The proposal, even with only 8 parking spaces, would lead to a significant increase in parked cars across the frontage in comparison to the existing situation and to similarly sized parking areas of nearby properties. The defined parking layout would also be at odds with the informal arrangements common to single dwellings.
10. While retention of the front boundary hedge could be secured by condition, I have little information about its condition and likely lifespan and only limited details of arrangements for future maintenance. Therefore, it cannot be relied upon as a permanent feature. If it had to be replaced, it would take considerable time to achieve the height and density required to screen the parking area, which would be set well above road level. If the hedge were removed or reduced, the verdant character of the area would be significantly diminished and the parked cars would be a very prominent feature in the street scene. While additional planting is proposed, the scattered trees and low-level shrubs would not be enough to provide robust screening.
11. In any event, even if the parked cars were screened, the amount of activity and number of vehicle movements associated with 7 flats would still be apparent from the public realm and neighbouring properties. The appellant's transport statement suggests that the proposal would only generate

¹ 2018/215

approximately 3 vehicle movements during each of the morning and evening peaks. However, the trip rates provided indicate that each flat would generate approximately 3.5 movements per day, compared to the total of 6 or 7 movements per day attributed to a large detached 6-bedroom dwelling. Therefore, the use of the parking area in supporting the requirements of traffic associated with 7 separate units would involve a considerable increase in vehicle movements. While this could be accommodated within the capacity of the local road network, it would nevertheless highlight the increased residential density of the site and be uncharacteristic of the area.

12. The parking layout proposed would also rely on all residents and visitors parking carefully and considerately, without overhanging the edges of any space. Given the limited area for turning, the swept path analysis shows that large cars would have to make several manoeuvres to enter or exit some of the spaces. Any larger vehicle would likely have difficulty turning within the site. A vehicle parked in front of the proposed building even temporarily, for example for deliveries, would prevent the parking area from functioning. In such circumstances, on-street parking is likely to be a more convenient option for residents.
13. Furthermore, the layout would prevent access to the bin/cycle store when any car was parked in space 6, therefore residents would be likely to park on-street rather than in that space. As the parking restrictions on Uvedale Road are only between 8.30am and 10.30am, they are unlikely to significantly discourage residents who would want to park their cars in the evening and leave for work early in the morning.
14. The difficulties accessing the bin/cycle store may also result in bins being stored elsewhere on site, with a consequent visual impact. In addition, the layout would not provide a bin collection point within the site, so bins would have to be brought onto the road for collection. Although other houses do the same, they would have standard refuse bins rather than the large 1100 litre bins used for flatted development. As a result of their size and number, the bins would be conspicuous in the street and would further indicate the increased intensity of occupation. Although there is space within the site to accommodate bins close to the access, it would require removal of part of the hedge and therefore increase visibility of the proposed building and parking area, resulting in further harm.
15. In this area, where there is relatively little on-street parking and residential activity is generally well-concealed, these changes would be noticeable and would harmfully alter the street scene.
16. Although the main rear garden would provide a large communal outside space, the landscaping scheme gives no indication of how it would be accessed, given the steep bank proposed up to it. It would also be overlooked by numerous flats and as such would not provide private space for residents. Consequently, residents of the ground and first floor flats are likely to rely on the balconies or patio areas immediately outside their flats to provide private and defensible space. As the proposed landscaping scheme would not provide any clear delineation between the communal and private areas, residents would inevitably create their own, for example with furniture or pots. It is also likely that several of these areas would be used at the same time, highlighting the multiple households present. The nature of the space around the building and

the use of these outdoor areas would therefore further change the character of the site.

17. Accordingly, the proposal would be poorly designed and would not function well. Cumulatively, the impacts of the intensification of residential use on the site would have a significant harmful impact on the character and appearance of the area. Therefore, the proposal would conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 (CSP), Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (LPP2) and Policy LNP3 of the Limpsfield Neighbourhood Plan 2018-2033 (LNP) which all, amongst other things, require new development to achieve a high standard of design that reflects and respects the character, setting and local context and distinctiveness. It would also fail to meet the requirements of the National Planning Policy Framework (the Framework) to achieve well-designed places and good design.

Highway safety and sustainable transport

18. Depending on which of the two parking guidance documents² provided is used, the car parking requirement for the proposal would be either 7 or 10.5 spaces. The 2018 Surrey County Council Guidance is more recent than the 2012 Tandridge Supplementary Planning Document (SPD), however the SPD seeks to achieve good design as well as encouraging sustainable transport and ensuring highway safety. It is therefore consistent with the aims of the Framework and can be given significant weight.
19. The appeal site has good access to local facilities and services and as such is in an area where lower parking provision may be acceptable. However, for the reasons given above, even if the lower parking requirement were used, the proposal would be likely to result in some parking on-street. There are no footpaths along this part of Uvedale Road and people would have to walk around cars into the carriageway, which would be detrimental to their safety.
20. Within the site, vehicles, pedestrians and cyclists entering the driveway would not be able to see those leaving due to the tall hedge in between. I am also mindful of the highway authority's concern that there is no direct pedestrian route into the site away from the vehicle access. Consequently, the proposed layout creates potential for conflict between vehicles, pedestrians and cyclists entering and exiting the site.
21. Furthermore, as parking space 6 blocks the doors of the bin/cycle store, the layout would increase potential conflict between drivers and cyclists wanting to use the same area, and discourage future residents from cycling. The need to put large bins out on the road for collection would also obstruct visibility in the vicinity and create a further hazard for pedestrians using the road.
22. Consequently, while the amount of car parking proposed is not significantly below the local standards, the layout proposed would discourage use of sustainable modes of transport and result in moderate harm to highway safety. Due to these design issues, any measures in a travel plan to promote sustainable travel are very unlikely to be effective.

² Tandridge Parking Standards Supplementary Planning Document 2012; Surrey County Council Vehicular and Cycle Parking Guidance 2018

23. The proposal would therefore conflict with LNP Policy LNP3, LPP2 Policy DP7 and CS Policy CSP 18 which, amongst other things, require layouts to consider the needs of pedestrians and cyclists and achieve safe pedestrian access, and not to result in additional on-street parking where this would cause harm to highway safety. Furthermore, it would conflict with the objectives of Framework paragraphs 108 and 110 to create places that are safe, secure and attractive, achieve safe and suitable access to the site for all users and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other matters

24. Although the parties have referred to policies in the emerging local plan, none have been provided. Nor do I have any information on the extent of any objections to them. Consequently, although the emerging plan has reached a late stage in its preparation, it has attracted very limited weight in my consideration of the merits of this appeal.
25. The proposal is designed to avoid harm to the substantial trees along the site boundary, which contribute positively to the verdant, wooded character of the area. These are now subject to a Tree Preservation Order, made after the previous permission was granted. The appellant states that the approved scheme would be implemented if this appeal is dismissed, resulting in their loss. The siting of the approved dwelling in the root protection area of one of the trees³ is likely to have an impact on its health, and potentially would result in its loss over time. However, there is no substantive evidence before me that the other 2 trees in that group would be significantly adversely affected by the approved dwelling, which would be set well forward of them. Nevertheless, the appeal scheme would avoid the potential loss of the protected tree and resulting harm to the wooded character of the area, which development plan policies seek to avoid. There is a realistic prospect that the fallback position would be implemented, therefore this carries modest weight in favour of the appeal proposal.
26. The proposal would include measures to avoid harm to protected species and new planting and other biodiversity enhancements. Given the limited scale of measures proposed however, these benefits carry only minor weight.
27. The existing building is not of any particular architectural merit and the appellant contends it is in poor condition. As it is largely concealed from view by hedges however, it does not have a significant impact on the street scene. Therefore, its removal would result in only a limited benefit to the character and appearance of the area.
28. The inclusion of sustainable construction and CO₂ reduction measures and renewable energy are required to meet CS Policy CSP14 and would off-set the impacts of the proposed development rather than provide net benefits. The lack of adverse impacts on living conditions of neighbours would be of neutral consequence. The fact that other schemes may result in some degree of conflict with such policies does not mean that the lack of harm here equates to a benefit of the scheme.
29. The Council confirms that it cannot demonstrate a 5-year supply of housing land and Framework paragraph 11d) is therefore engaged. There is significant

³ Labelled T13

variation between the housing supply figures provided by the main parties, from the Council's figure of 1.93 years supply to the appellant's calculation of 1.06 years. The Council is seeking to address the shortfall through the emerging Local Plan, however even if it were adopted in the form submitted for Examination, which is not certain, this would only give 2.86 years supply. Therefore, even with the action being taken by the Council there is an acute shortfall in the supply of housing in the District.

30. The proposal would provide a net increase of 6 dwellings in a built-up area with good access to local facilities, services and transport. Although there is no mechanism to secure them as affordable housing, the proposed flats would add to market choice and are likely to be towards the lower end of the market in an area with significant house price affordability issues. Economic benefits would result from construction and occupation of the dwellings, with residents likely to use local shops and services and support the High Street.
31. The scheme would also increase density of residential development as encouraged by CS Policy CSP19, however that Policy is clear that this is to be achieved within the framework for character and design set out in Policy CSP18. Although it would be at a lower density than promoted by the Policy the proposal would harm the local character and distinctiveness of the area. In supporting more efficient use of land and high-quality design, these Policies are consistent with the provisions of the Framework. Therefore, although adopted in 2008, having regard to Framework paragraph 213 I consider they can be afforded full weight.
32. Although the LNP does not allocate sites for housing, it is recently adopted and as such is in general conformity with, and does not undermine, the strategic policies of the development plan. LNP Policy LNP2 seeks to deliver smaller dwellings and to meet the housing needs of all sectors of the community while having regard to the character of the area. The Policy does not seek to preclude more intensive use of land, indeed its requirement for even relatively small developments to provide 50% of dwellings with 3 bedrooms or less would seem to me to encourage increased densities. These aims are also consistent with the Framework and the Policy therefore carries full weight. The proposal would exceed the 50% requirement in LNP Policy LNP2 and as such would contribute to the housing mix and meeting housing need, which is a modest benefit of the scheme. Compliance with this policy does not however supersede or otherwise temper the need to comply with other relevant policies of the same Plan.
33. The District is substantially constrained by being 94% Green Belt and the appellant suggests that consequently, available sites are highly constrained. The Council has however identified that Defined Villages, Larger Rural Settlements and previously developed land in the Green Belt will contribute to meeting its housing need. In any event, while it is clearly desirable to take opportunities to deliver housing on unconstrained sites, this should not be at the expense of achieving high quality design and respecting local distinctiveness.
34. For the reasons above, the proposal would result in economic and social benefits. Given the modest scale of development proposed, such benefits would be commensurately modest. However, in the context of the acute housing shortfall, the provision of 6 additional homes carries moderate weight.

35. I have been referred to several recent appeal decisions in the District. The appeal at Highview⁴ relates to provision of a gypsy and traveller caravan site and as such is not directly comparable with the appeal scheme. Although it refers to the timescale for an Area Action Plan for provision of alternative sites, this was discussed in relation to gypsy and traveller pitches and I cannot be certain that it applies to housing sites for the settled community. The appeals at Micawbers⁵, Redehall Road⁶ and linked appeals in Felbridge⁷ relate to housing developments and discuss the housing supply position in the District. However, they are not directly comparable with the appeal scheme before me in other respects as all refer to larger housing schemes with other main issues. All but Micawbers were also for sites that already benefitted from planning permission for housing. Other benefits were also weighed in the balance, including the provision of affordable housing, which the appeal before me would not deliver. In any event, the weight given to the benefits of providing additional housing was related to the number of dwellings proposed and the shortfall of supply. In these respects, my approach is consistent with that of the previous Inspectors.
36. Accordingly, while the proposal would accord with the aims of the development plan to deliver housing in accessible, built-up areas and increase residential density, it would conflict with those policies that require high-quality design that respects the character of the area. Those requirements are woven throughout the CS, LPP2 and LNP and the conflict with those policies therefore carries substantial weight. Consequently, the proposal would conflict with the development plan taken as a whole.

Planning balance and conclusion

37. Fundamental to the policies of the Framework is the achievement of sustainable development. The proposal would meet Framework objectives to make more efficient use of land and to use small, windfall sites in existing settlements. The provision of housing that could be built out relatively quickly in an accessible location where there is substantial under supply is a matter to which I attach significant weight.
38. Nonetheless, the Framework also makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development⁸. Its policies are supplemented by guidance in the Planning Practice Guidance and National Design Guide which set out that high-quality design is not only about the appearance of buildings but also other characteristics, including the context, identity and functionality of a development.
39. Although it would make more intensive use of land, for the reasons given above the proposal would not result in a well-designed built environment and would not function well. It would not be sympathetic to local character or add to the overall quality of the area as required by the Framework. Furthermore, the layout of the site would result in hazards for future residents and highway users and consequently would not provide a safe built environment or promote

⁴ APP/M3645/W/18/3205027

⁵ APP/M3645/W/18/3204681

⁶ APP/M3645/W/19/3230341

⁷ APP/M3645/W/18/3198090 & APP/M3645/W/18/3205537

⁸ Paragraph 124

sustainable transport modes. It would therefore be poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Framework paragraph 130 directs that permission should be refused for such development, and as such I attach substantial weight to this matter.

40. Although there is a neighbourhood plan in place, it does not contain housing allocations, therefore Framework paragraph 14 does not apply. Nonetheless, even if I were to conclude there is a shortfall in the 5-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of 6 additional dwellings, when assessed against the policies in the Framework taken as a whole.
41. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan. Consequently, the appeal is dismissed.

L McKay

INSPECTOR