



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: 23rd March 2020

Appeal Ref: APP/M3645/W/19/3241249

19 Chelsham Road, Chelsham CR6 9EQ

- 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 Caroline Marsh against the decision of Tandridge District Council.
 - The application Ref TA/2019/1325, dated 22 July 2019, was refused by notice dated 23 October 2019.
 - The development proposed is described as a "proposed dwelling on land adjacent to 19 Chelsham Road, Chelsham".
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Decision

1. The appeal is allowed and planning permission is granted for a proposed dwelling on land adjacent to 19 Chelsham Road, Chelsham at 19 Chelsham Road, Chelsham CR6 9EQ in accordance with the terms of the application, Ref TA/2019/1325, dated 22 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4021 (Block plan), 4021-A (Proposed floor plans and elevations), 4021/2 (Existing floor plans and elevations), 4021/3 (Location Plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the adjoining property at 19 Chelsham Road.

Main Issues

2. The main issues are the effect of the development on 1) the character and appearance of the area, 2) the living conditions of future occupiers with particular regard to private garden space and 3) parking provision.

Reasons

Character, Appearance and Living Conditions

3. The appeal site forms the end of an existing terrace of properties that sit within an area that is predominantly residential in character and contains a variety of size and type of dwelling. The site is on a prominent junction of Chelsham Road and Sunny Bank and is clearly visible within the street scene. To the front of the existing dwellings are parking spaces and to the rear are private garden areas.
4. The proposal seeks to erect a further dwelling on the end of the terrace. The Council consider that although the design of the development would follow the

style of the existing terrace, the proposal would appear cramped in its corner plot position and result in the loss of a “*vital open space on the junction*”. Furthermore, the tight arrangement of the development and lack of garden space would also fail to provide a satisfactory living environment for future occupiers of the dwelling.

5. The development would retain a parcel of land to the side of the dwelling so that an area of open space remains on this corner location. Although some of the open space would be lost through the development of an additional dwelling, the existing hedge on the boundary would be retained and the site would still provide a degree of separation between the appeal site and the surrounding road network. Moreover, the area of garden provided for the proposal would be broadly comparable to the gardens that serve the existing dwellings and those at the terrace on Sunny Bank which have been developed in a similar manner.
6. The proposed dwelling would reflect the character of the existing terrace of dwellings and would provide adequate space about it so as not to appear as overdevelopment of the site or a cramped form of development. In addition, although the dwelling would sit forward of the building line of dwellings along Sunny Bank, given the degree of separation and intervening landscaping, the development would still be read as part of Chelsham Road.
7. Thus, the development would have an acceptable impact on the character and appearance of the area and would provide adequate garden space for future occupants. It would not be in conflict with Policies DP7 and DP8 of the Tandridge District Council Local Plan Part 2: Detailed Policies 2014 (the Local Plan) and Policy CSP18 of the Tandridge District Council Core Strategy 2008 (the Core Strategy) which seek, amongst other things, to ensure that developments display a high standard of design that reflects and respects the character and local context, is appropriate to its surrounding area and provides appropriate amenity areas.

Parking

8. The development proposes two parking spaces in front of the dwelling. As the proposal would provide three bedrooms, the Tandridge District Council Parking Standards Supplementary Planning Document 2012 (the SPD) requires two parking spaces to be provided to serve the development. However, as the proposed plans also indicate a study on the first floor, the SPD states that it could be used as a bedroom and thus, shall be treated as such. Therefore, the development proposes a four bedroom dwelling and three parking spaces are required to comply with the SPD.
9. Nevertheless, the National Planning Policy Framework (the Framework) states at paragraph 105 that in considering setting parking standards policies should take account of the accessibility of the development. In this case, the site lies within walking distance of a large supermarket and there are bus stops in the immediate vicinity. It is evident therefore that there are realistic alternatives to the private car to access services and facilities, which includes walking and cycling as well as public transport.
10. At the time of my visit I was able to park quite easily on Sunny Bank, although I accept that this was outside peak times where demand for parking may increase. However, I was not aware of any parking restrictions in the area and I have not been provided with any compelling evidence that parking is a particular problem. Therefore, although there would be a shortfall in parking at the site so that it would not comply with the requirements of the SPD, given the accessibility of the development, I find this a persuasive reason to find in favour of the proposal. Moreover, I also note that the County Highway Authority did not raise any

objection to the development on traffic generation, access arrangements and parking provision and from my own assessment, I see no reason to disagree.

11. Thus, the development would provide a satisfactory level of parking at the site. It would not be in conflict with Policy CSP12 of the Core Strategy or Policies DP5 and DP7 of the Local Plan which seek, amongst other things, to ensure that developments have regard to adopted parking standards.

Other Matters

12. Although the site was formerly used as a communal garden area, land ownership and access to land is a private matter between the parties involved and not within my jurisdiction.

Conditions and Conclusion

13. The Council has suggested a number of conditions which I have considered in accordance with the national Planning Policy Guidance (the Guidance) and the Framework and have amended or reworded them in the interest of clarity or precision. In addition to the standard time condition it is also necessary in the interest of certainty to define the plans with which the scheme shall accord.
14. The Council has requested samples of the materials to be used in the construction of the dwelling. However, given that the application forms make it clear that the materials to be used will match the existing terrace, I have reworded this condition to this effect.
15. Given the scale of the development, I find the requirement for a detailed landscaping and a fast charging point for electric cars particularly onerous. Moreover, the proposed layout indicates the level of landscaping which I find reasonable for this urban setting and that an electric car charging point will be supplied at the site. Therefore, I have deleted these conditions.
16. The Council has requested that the windows at first and second floor side elevation should be obscurely glazed to protect the amenities of adjoining occupiers. However, the property to the south of the site is some distance away and is unlikely to be affected by overlooking resulting from the development. The Guidance advises that the removal of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances¹. The removal of freedoms to carry out small domestic alterations are unlikely to meet the tests of reasonableness. Therefore, I find it unreasonable to require the retention of the solar panels and the blanket removal of permitted development rights.
17. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20190723