



Appeal Decision

Site visit made on 14 May 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/M3645/W/19/3243959

Atherfield, Park View Road, Woldingham CR3 7DJ

- 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 Tor Graves of Remus Construction & Development Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2019/762, dated 15 April 2019, was refused by notice dated 27 June 2019.
 - The development proposed is demolition of existing two storey dwelling and outbuildings. Alterations to existing driveway. Construction of 4No. two storey dwellings each with detached double garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council determined the application on the basis of drawings numbered 1258/4 Rev G, 1258/5 Rev H and 1258/10 Rev C. The appellant submitted an alternative layout with the appeal which is shown on drawing number: WEC-LHC-XX-XX-DR-AR-01.04 Rev.C01, dated 19 December 2019. The Council and some interested parties have had an opportunity to comment on this revised layout and the associated elevations. Nevertheless, from what I have seen and have read, the amendment amounts to a significantly different scheme. The appeal process should not be used to evolve a scheme and I consider it would be prejudicial to both the Council and other interested parties if I was to accept these amendments. I have therefore determined the appeal on the basis of the plans cited in the Council's decision notice.
3. The Council refused the scheme because there was insufficient information to demonstrate that it would deliver savings in CO2 emissions in compliance with the requirements of Policy CSP14 of the Tandridge District Core Strategy DPD, 2008 (Core Strategy). However, additional information was submitted with the appeal setting out how the proposal could incorporate on-site renewable energy technology. The Council therefore withdrew its objection on the basis that the necessary provision could be secured by condition. I have determined the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposal on:
 - a) the character and appearance of the area, including having regard to the existing trees;

- b) the living conditions of adjoining occupiers in relation to visual intrusion and noise;
- c) protected species.

Reasons

Character and appearance

5. The appeal site lies within the village of Woldingham, described as a leafy suburb where high quality houses, many on large plots, are hidden in steep-sided valleys and surrounded by trees. Park View Road is a prime example of this, where houses exhibiting individual designs are set out in an informal pattern of development. The buildings are subservient to the landscape giving the area a sylvan character. There are glimpsed views of the wooded hillsides and surrounding rolling countryside from the street.
6. Atherfield is a very large detached house set in the middle of a substantial plot with very limited road frontage. The plot fronting Park View Avenue which now accommodates Chartfield was originally part of Atherfield's garden. The site is therefore entirely enclosed by surrounding development and mature vegetation. It has no direct visual relationship with Park View Road. It is not possible to appreciate its size or scale from the road and views into it are extremely limited.
7. The primary access to the existing house and its two garages is a narrow drive from Park View Road which passes between two smaller properties, Atherfield Lodge and Buckland Cottage. There is a secondary access onto Station Road between Hapstead and Holly Lodge. However, this only has a hard surface up to the entrance to Redwood Lodge; the remainder is a grass track between two fences.
8. Although there are a number of notable and mature trees on the site, particularly on or close to the boundaries, none are subject to a Tree Protection Order (TPO). Most of the vegetation is ornamental in nature. It is of limited quality and viability arising from lack of management and maintenance. The garden has been partially cleared and is otherwise overgrown and neglected.
9. The proposal would demolish the existing dwelling and sub-divide the plot to provide 4 detached dwellings. The resultant plots would be significantly smaller than those associated with nearby properties such as Chadley and The Hermitage. Nevertheless, they would be comparable in size to those associated with existing dwellings to the rear of Station Road. Even though the proposal would result in a further sub-division of Atherfield's original plot, the site appears to be large enough to accommodate 4 dwellings. The determining factor is whether or not this can be achieved in a manner that respects the informal layout of existing development in the surrounding area.
10. The dwellings would be served by a sinuous cul-de-sac from Park View Road, each with a detached double garage and driveway. The proposal as a whole would introduce large areas of hard surfacing without creating an effective street frontage. Although the secondary access to Station Road is intended to be one way, and could provide pedestrian permeability to the site, it would be too narrow to accommodate vehicles comfortably and would add unnecessarily to the amount of hard-surfacing. The arrangement of the houses around the access road means that they would not relate well to each other. Neither would

they be sufficiently separated to be hidden from view nor integrated in the landscape in common with other dwellings in the vicinity. Plot 3 would be an awkward shape resulting in a poor relationship between the house and its plot. The house on Plot 1 would appear tucked away behind that on Plot 4. These factors indicate that the layout has a number of shortcomings which cause it to fail to respect the pattern of development in the surrounding area.

11. One of the defining characteristics of Park View Road is the variety and individuality of the houses in terms of their style and design. By contrast, the appeal proposal comprises two pairs of properties which have very similar footprints. The mix of hips and gables under pitched roofs provide only minimal variety of design. The excessive scale and width of the houses would make them appear bulky and out of proportion with their respective plots. To my mind the fenestration patterns, use of materials and architectural details appear unimaginative and too uniform in appearance. Consequently, the scheme does not represent high quality design and detailing which would improve the quality and character of the area.
12. No arboricultural information was submitted with the application even though trees and other vegetation are an integral feature of the property and its setting. However, a report was submitted with the appeal which made recommendations in relation to tree retention and protection during construction. The Council has not contested the information, although its Tree Officer has not fully scrutinised it. However, it seems to me that the assessment has been prepared as a means of endorsing the proposed layout, rather than as a tool to inform the design process. Consequently, even though the scheme would be largely hidden from public views, built form has taken precedence over the landscape setting. This would be contrary to one of the distinctive features of the pattern of development within the village, even though its visual impact on the wider context would be limited.
13. Taking all these factors into consideration, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy CSP18 of the Core Strategy, Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies, 2014 (TLPP2) and Policy L1 of the Woldingham Neighbourhood Plan, 2016 (WNP). These policies, amongst other things, require proposals to respect the distinctive development pattern and landscape setting of Woldingham.

Living conditions

14. The original plot of Atherfield has been sub-divided and a contemporary part-1½-storey, part single-storey dwelling, Chartfield has been erected fronting Park View Road. It is set well back on its plot and screened from the street by mature vegetation. Its private amenity space, which includes a swimming pool, is in front of the house.
15. The windows serving ground floor bedrooms and the kitchen currently have a limited outlook towards vegetation within the appeal site that grows immediately adjacent to the shared boundary. At the moment this vegetation prevents any inter-visibility between Chartfield and the appeal site. However, even though the intention is to retain boundary planting, vegetation which is not formally protected cannot be relied on to provide permanent screening. If removed in the future, the height and width of the flank wall of the house on Plot 1 would appear overbearing from Chartfield's rear facing rooms.

16. As the appeal site is on slightly higher ground, the house on Plot 1 would also be seen from Chartfield's garden above its single storey element. However, while this would change the feeling of seclusion within the garden, the separation distance is sufficient to ensure that it would not appear overbearing. Furthermore, a significant part of Chartfield's garden is in front of the taller element of the house from where the proposed dwelling would hardly be seen. There would also be some perception of overlooking of part of Chartfield's garden from windows in the flank elevation. However, I am satisfied that this could be addressed by the use of obscure glazing, if the proposal had been acceptable in all other respects.
17. I note that other neighbours expressed concerns about the proximity of the proposal to their homes and gardens. However, I consider that other nearby properties are sufficiently separated from the proposal to ensure that there would be no unacceptable overbearing impacts.
18. Concerns about noise disturbance associated with ground source heat pumps have been raised. However, the Council is satisfied that provision of renewable energy could be secured by condition, so issues of noise could be addressed as part of agreeing the details of such a scheme. This would ensure that neighbours would not be subjected to unacceptable levels of noise disturbance.
19. Nevertheless, for the reasons set out above I conclude that the proposal would be harmful to the living conditions of the occupants of Chartfield, arising from an unacceptable overbearing appearance. It would fail to comply with Policy CSP18 of the Core Strategy, Policy DP7 of the TLPP2 and Policy L1 of the WNP, which seek to protect the district's residents from development that is unneighbourly in terms of its location, orientation, height or bulk.

Protected species

20. All species of bats are protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981. They are therefore subject to a high degree of legal protection. Circular 06/2005¹ states that the presence of a protected species is a material consideration when a development is being considered which would be likely to result in harm to the species or its habitat. It goes on to state that *'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before (my emphasis) planning permission is granted'* (paragraph 99).
21. An Interim Bat Emergence/Re-entry Report (IBERR), prepared by Darwin Ecology and dated December 2019, was submitted with the appeal. An initial Phase 1 scoping survey had confirmed the presence of a bat roost within the main house and one of the garages. The other garage was also assessed as being of high potential to support roosting bats. It was therefore considered that a minimum of 3 bat emergence surveys would be required.
22. In September 2019 a single emergence survey was undertaken at each of the three buildings on the site. Common pipistrelle bats were recorded emerging from the main building; but none were seen to emerge from the garages. The report suggested that two further surveys should be undertaken during 2020. However, no additional survey results were provided with the appeal.

¹ Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

23. The proposal would involve demolition of all the existing buildings on the site. it therefore follows that if there were bats roosting in any of them, they would be disturbed. The proposal would also disturb the surrounding habitat which is suitable for foraging and feeding. The IBERR confirmed that additional survey work is required to establish the extent to which bats are currently using the site for roosting and to identify suitable mitigation measures to minimise the potential impacts on this protected species.
24. Full details of any mitigation measures would need to be provided in order to apply for a licence from Natural England (NE). The IBERR set out a summary of the type of measures that would be likely to be included in the license application. However, in the absence of full details about the nature of the bat roosts and associated activities on the site, I cannot be certain that an application for a license would be successful. Furthermore, as the IBERR was only provided with the appeal, the Council has not had an opportunity to consult the Surrey Wildlife Trust who are its expert consultees on matters relating to biodiversity.
25. Circular 06/2005 advises that surveys should only be required by condition in exceptional circumstances. Such an approach might be acceptable if the series of surveys recommended by the IBERR had been completed and a full mitigation strategy had been prepared on the basis of its findings. It would be possible to consider imposing a condition if all that was required were final checks immediately prior to the commencement of construction to ensure that no protected species had recently colonised the site. However, given the lack of information currently available in relation to the appeal site, this would not be an appropriate course of action in this case.
26. I conclude that the proposal would be likely to result in harm to bats, a species protected under the Habitats Regulations and the Wildlife and Countryside Act. It would also conflict with Policy CSP17 of the Core Strategy and Policy DP19 of the TDLPP2. These policies only permit development which can demonstrate that protected species will not be harmed, or appropriate mitigation measures can be put in place.

Planning Balance

27. The Council accepts that it is currently unable to demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged and planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.
28. The provision of an additional 3 dwellings would make a small contribution to the District's housing supply. It would do so on a site which is within a built-up area and where there is no objection in principle to residential development. Future residents would have good access to a range of services and facilities within the village and a choice of means of travel to more distant destinations due to the proximity of the station. The scheme would also provide economic benefits, arising from spending by future residents, the creation of employment during the construction period and contributions to the local tax base and infrastructure. These are all factors in the scheme's favour which together attract modest weight.

29. On the other hand, I have found that the proposal would harm the character and appearance of the area and the living conditions of the occupants of Chartfield. In addition, in the absence of comprehensive surveys and an agreed mitigation strategy, the scheme would be harmful to bats, a protected species. These are factors which count against the scheme and individually and collectively attract significant weight.
30. I therefore conclude that the adverse impacts of the proposal significantly and demonstrably outweigh the modest benefits when considered against the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

31. I have found that the proposal conflicts with the development plan. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
32. I therefore conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR