

Appeal Decision

Site visit made on 3 June 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/M3645/W/19/3243617

Langley House, Church Lane, Oxted RH8 9LH

- 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 U Eisenstein against the decision of Tandridge District Council.
 - The application Ref TA/2019/1139, dated 21 June 2019, was refused by notice dated 16 August 2019.
 - The development is enlarged dormers to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for enlarged dormers to rear at Langley House, Church Lane, Oxted RH8 9LH in accordance with the terms of the application, Ref TA/2019/1139, dated 21 June 2019 and the plans submitted with it.

Procedural Matter

2. The description of development used in the heading and the decision above has been taken from the Council's Decision Notice and the Appeal Form submitted by the appellant, albeit with the word 'retrospective' omitted as this is not an act of development. Although a different description was used on the original application form, the one used above is more concise, has been used by both main parties and appears to have been the subject of public consultation. I therefore consider that no party is prejudiced through the use of this description.
3. As set out above, the development to which this appeal relates has already occurred and the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the building at the appeal site and the surrounding area.

Reasons

5. The appeal site is located at the junction of Church Lane and West Hill. The prevailing character of the surrounding area is dominated by large dwellings that are sited on substantial plots, albeit with a public house, a church and a petrol station interspersed within the dwellings. Dormers are not a common feature of the surrounding area although a few small dormers are visible within the wider locality.
6. The appeal site contains a large building that is a variation from the dominant character of the area due to its scale and form. Due to its positioning at the

junction of the abovementioned roads, the building is prominent within the locality and has an appearance that is distinguishable from any other building within the surrounding area. The building has recently been converted to residential use and planning permission¹ was granted for external alterations to the building including roof alterations and the erection of dormers. However, the main parties agree that the dormers that have been constructed are larger than those that were approved. That has led to the submission of the application that is the subject of this appeal.

7. The size, number and arrangement of the dormers results in them being a significant feature of the roofscape. Moreover, the positioning of the dormers relative to the adjacent highway and footpath results in them being a prominent and noticeable feature of the building. However, sufficient space exists around and between the dormers to ensure that, when considered individually and cumulatively, the dormers are subordinate to the overall roofscape and proportionate to the overall scale of the building. For this reason, the dormers appear well integrated with the remainder of the building, do not detract from its overall appearance and do not cause harm to the character of the area.
8. In comparison to the dormers that were previously granted planning permission, the increase of the size of the dormers has a minor effect on their appearance and has not caused the building to have a more imposing effect on the character and appearance of the area. Accordingly, I do not find that the enlargement of the dormers in comparison to the previously approved development has caused harm to the character and appearance of the building and the surrounding area. In this regard, I am not aware of any policy basis that justifies reaching a conclusion that the previously approved dormers represented an upper limit of development at this site and, as such, I have considered the development on its own planning merit.
9. For these reasons, the development has had an acceptable effect on the character and appearance of the building at the appeal site and the surrounding area. The development therefore accords with Policy CSP18 of the Tandridge District Core Strategy (Adopted 15 October 2008) and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 (Adopted July 2014) which combine to require that development is of a high standard of design, integrates effectively with its surroundings and reinforces local distinctiveness.

Other Matters

10. Although the dormers face towards the residential properties at the opposite side of West Hill, the distance between the appeal site and those dwellings ensures that the dormers do not overlook those properties to an extent that has an unacceptable effect on the living conditions of the occupiers of those dwellings. In this regard, I note that the development has not caused an increase of the number of windows in comparison to the scheme that benefits from planning permission. Therefore, whilst the dormers are larger than previously approved, the increase of their size is minor and does not cause an unacceptable increase of overlooking in comparison to the approved development.
11. Whilst it has been suggested that the height of the building has increased, the evidence before me indicates that the overall roof height remains the same as approved. Furthermore, the development that is the subject of this appeal would not cause an increase of parking demand in comparison to the previous permission and I have no basis to conclude that light spill from the use of the building would be at an unacceptable level. Moreover, the conduct of the occupiers of the building

¹ 2017/1345

is not a matter that I can take into consideration. As such, these factors do not lead me to reach a different conclusion.

Conditions and Conclusion.

12. As the development has already been undertaken, I do not consider it necessary to impose conditions to require the development to commence or to clarify the relevant plans and approved materials. Furthermore, as the building contains flats, I do not consider it necessary to remove permitted development rights. Finally, as the appeal relates to the dormer windows only and I have no basis to conclude that the development would cause harm to the amenities of neighbouring or future residents or the overdevelopment of the site, I do not conclude that imposing a condition to prevent other permissions being implemented is reasonable or necessary. Therefore, whilst I have had regard to the conditions that have been recommended by the Council, in this case I do not find that they would pass the tests set out at paragraph 55 of the National Planning Policy Framework.
13. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted without conditions.

Ian Harrison

INSPECTOR