



Appeal Decision

Site visit made on 1 September 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2020

Appeal Ref: APP/M3645/W/20/3251678

Seltek House, 38-40 Westway, Caterham CR3 5TP

- 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 Bercleys Properties Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2019/1575, dated 30 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed is described as the "demolition of existing outbuilding and erection of a single storey dwelling with associated amenity space".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to the failure of the development to meet the gross internal floor area required by the technical housing standards¹ (THS). However, the Council acknowledges the appellant's comments in its written statement that given its size, the second bedroom can only be classified as a single bedroom. Thus, as the proposal would provide some 65 sq. m gross internal floor area, it would meet the requirements for a one storey, two bedroom, three person dwelling as stated within the THS.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of adjoining occupiers with particular regard to outlook and the living conditions of future occupiers of the proposed dwelling with particular regard to garden amenity space; and,
 - whether the development would provide adequate parking.

Reasons

Character and Appearance

4. The appeal site forms part of a parking and grassed area that is located to the rear of Seltek House, which itself has been converted from offices to residential accommodation. Within the parking area is a further single storey building that has also been converted into residential accommodation. It is proposed to

¹ Technical housing standards - nationally described space standards, March 2015

- demolish a temporary structure to the rear of the existing single storey building and replace it with a two bedroom single storey dwelling.
5. The proposal would be sited parallel to the existing building and constructed with two distinct elements of differing heights. The kitchen and dining room would be at a greater height than the bedrooms and bathroom, with both areas linked by an entrance hall. The dwelling would be constructed with a flat roof overall and provided with a private garden area to the north of the building.
 6. The appeal site lies within the urban area of Caterham where the principle of additional residential development is considered acceptable. The area is generally residential and contains a variety of size and style of dwellings and has a pleasant suburban character which is reinforced by the layout of dwellings in a linear manner along the road network. On the whole, properties have gardens to the rear that tend to be undeveloped, containing domestic structures such as sheds and other outbuildings.
 7. The proposed dwelling would be sited along the shared boundary to 48 Westway leaving only a small gap between its rear elevation and the fence that separate the two sites. The kitchen/dining room area of the proposal would also be sited extremely close to the rear elevation of the existing single storey dwelling. Although a garden area would be provided at the northern end of the building, given the spatial limitations of the appeal site as a result of the development that surrounds it, the proposal would appear as a cramped and somewhat contrived form of development.
 8. Furthermore, notwithstanding the size of the proposed dwelling when considered against the single storey residential unit that exists on the site, the proposal would appear as an incongruous form of development in comparison to the built environment in the vicinity, which is largely typified by road facing dwellings with decent sized rear gardens. Moreover, although the development would comply with the requirements of the THS, it would nonetheless fail to reflect or respect the grain of the area and would appear as an in-depth form of development, quite out of keeping with its established character and would be clearly visible through the access and from properties that surround the site.
 9. Therefore, the development would result in harm to the character and the appearance of the area. It would be in conflict with Policy CSP 18 of the Tandridge District Council Core Strategy 2008 (the Core Strategy) and Policy DP7 of the Tandridge District Council Local Plan Part 2: Detailed Policies 2014 (the Local Plan) which seek, amongst other things, to ensure that developments reflect and respect character, setting and local context that contribute to local distinctiveness.

Living Conditions

10. The proposed dwelling would be sited immediately adjacent to the existing single storey dwelling. However, there are no windows in the rear elevation of the existing dwelling, and although the siting of the proposal would be in close proximity to its neighbour at some 0.4m, it would be to the rear of the existing property. Therefore, despite its spatial shortcomings, I am not persuaded that the development would have an overbearing impact on the occupants of the single storey dwelling that exists on the site.
11. With regard to the flats that exist in the main building on the south of the site, these particular units of accommodation overlook the main parking area and are not in direct alignment with the proposed dwelling. Furthermore, given the location and single storey nature of the proposal, I do not consider that it would

have an overbearing impact on the outlook that the occupiers of these units currently enjoy.

12. Turning to the private garden area that would be provided for the new dwelling, its narrow depth and limited overall area, combined with boundary fencing and the rear wall of the adjoining property, would result in an oppressively cramped and confined space. Given its size and location, I am not persuaded that the proposed garden would be a pleasant area to sit out and relax and would therefore fail to provide a satisfactory private garden for the three occupants of the property to enjoy.
13. Therefore, the development would result in harm to the living conditions of future occupiers of the proposed dwelling. Thus, it would be in conflict with Policy CSP 18 of the Core Strategy and Policy DP7 of the Local Plan which seek, amongst other things, to ensure that new development is of a high standard of design.

Parking

14. The development proposes a single parking space to serve the dwelling. Although Surrey County Council as local highway authority did not object to the development on highway safety or parking grounds, the Council nonetheless consider that the development would not provide adequate parking spaces. In considering the proposed development the council has also taken into consideration the existing development at Seltek House and state that the proposal would result in the loss of parking spaces and cycle storage to serve the entire development.
15. I have not been provided with any plans that would indicate the level of parking provision and cycle storage agreed under a previous planning application that the Council considered acceptable. However, while this development may indeed result in the loss of two parking spaces and cycle storage for the overall scheme approved at Seltek House, it is also necessary to consider the location of the appeal site which is close to the town centre, where one can access a range of facilities by means other than a car. Moreover, during my visit I noted bus services that served the area in addition to the train station at Caterham. Therefore, in accordance with the Framework which seeks to promote sustainable transport, I am satisfied that the development would be in an area that limits the need to travel and offers a genuine choice of transport modes which would be available to the occupiers of the proposed development. Space for bicycle storage to serve the proposed dwelling could be secured by a suitably worded condition.
16. Therefore, the development would provide adequate parking for the proposed dwelling. It would not be in conflict with Policy CSP 18 of the Core Strategy and Policy DP5 of the Local Plan, which seek, amongst other things, to ensure that, where appropriate, developments promote access by public transport, foot and bicycle to nearby residential, commercial and retail areas.

Other Matters

17. The appellant has drawn my attention to a row of terraced properties at 6 to 12 Livingston Road as an example of small plots that exists in the area. While I acknowledge that this type of development exists in the area, it does not reflect the majority of development which, on the whole, has a more spacious and open character. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
18. The appellant argues that the site has a fall-back position as the existing structure benefits from permission for its conversion into a studio flat. Moreover, the

proposed development would provide a higher standard of accommodation in comparison to the studio flat. However, the effect of the proposed development on the character and appearance of the area would be appreciably greater than the studio flat. Thus, I do not consider that the fall-back position sets an irresistible precedent to find in favour of the development before me.

19. The appellant refers to the positive pre-application advice received from the Council. Notwithstanding this, I am not bound by the advice given by the Council prior to the submission of the planning application and it does not alter or outweigh my conclusion on the main issues.

Conclusion

20. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR