



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: 6 October 2020

Appeal Ref: APP/M3645/W/20/3251591
107 Cromwell Road, Caterham CR3 5JF

- 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 Peter Torkos against the decision of Tandridge District Council.
 - The application Ref TA/2020/355, dated 20 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is described as "A loft extension of existing residential building to provide additional bedrooms; single storey rear extension to provide a 1 bed studio unit with a separate entrance and private amenity. Car port with a storage space beneath. Home office out building".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area through the sub-division of the plot;
 - the living conditions of future occupiers with particular regard to layout and light; and
 - the provision of parking.

Reasons

Character and Appearance

3. The appeal site forms the end of terrace of three properties which is located within a predominantly residential area. As one travels northwards along Cromwell Road, the properties on its eastern side, including the appeal site, are set back from the road. The topography of the land changes along Cromwell Road so that a number of properties are set lower than the road with steep accesses to the front and rear. As a result of the change in levels, the garage for the appeal site, and other dwellings along Cromwell Road, is accessed via a private road off Stites Hill Road, to the rear of the property.
4. The development proposes several alterations to the dwelling which include a loft extension via a dormer window, a single storey rear extension, a car port to the front of the property and alterations to the existing garage to create a

home office. It is also proposed to convert the building into a three bed dwelling and a further one bedroom flat.

5. The Council state that the dormer and single storey extension may not be an unacceptable level of development as such. Rather, it is the sub-division of the plot which would result in a cramped and overdeveloped site. Having visited the appeal site and viewed the properties that surround it, including those that have been extended in a similar manner, I have no reason to disagree that the dormer and single storey extension, to be used in conjunction with the main building as a single dwelling, may not necessarily be out of keeping with the general character of the area.
6. I acknowledge that there is some variety in design of properties in the vicinity, some of which have been extended or contain patio areas. However, the sub-division of the plot to create two units of accommodation would result in a very small private amenity area provided for the flat. It would fail to respond to local distinctiveness and would create a discordant form of development, quite out of keeping with the area's established urban grain, in particular the two storey dwellings with generous rear gardens that characterise the area. Moreover, the conversion of the property would result in the inappropriate sub-division of the existing curtilage to a size below that prevailing in the area, creating a cramped and discordant form of development that would be at odds with the open character that currently exists in the vicinity.
7. Accordingly, I conclude that the sub-division of the plot to create two separate units of accommodation would result in harm to the character and 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 Policies DP7 and DP8 of the Tandridge District Council Local Plan Part 2: Detailed Policies 2014 (the Local Plan) which seek, amongst other things, to ensure that developments respect and contribute to, maintains and enhances the character and amenity of an area and does not result in the inappropriate sub-division of existing curtilages to a size below that prevailing in the area.

Living Conditions

8. To convert the building into two units, part of the ground floor would provide a self-contained one bed flat with a floorspace indicated on the submitted plans as 37 sq. m. The remainder of the ground floor, the first floor and roof space would provide a three bedroom dwelling with a floorspace indicated as 85 sq. m. However, the Council has calculated that the floorspaces to be provided would be 26 sq. m for the flat and 82 sq. m for the dwelling. The Council's calculations are not disputed by the appellant.
9. The technical housing standards¹ (THS) require that a single storey, one bed, one person flat provide a minimum gross internal floor area of 37 sq. m and that a three bed, four person dwelling constructed over three floors provide a minimum gross internal floor area of 90 sq. m. It is clear that the development fails to meet these standards. However, these internal space standards can only be applied if there is a relevant plan policy and then they may only require compliance with the THS. Policy DP7 of the Local Plan and Policy CSP 18 of the Core Strategy predate these matters and therefore cannot apply the standards as set out within the THS.

¹ Technical housing standards – nationally described space standard March 2015

10. However, the National Planning Policy Framework (the Framework) states that the creation of high quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development which should achieve a high standard of amenity for existing and future users. Weight should be given to development plan policies depending on their consistency with the Framework and I find Policy DP7 of the Local Plan consistent with the Framework as it requires a satisfactory environment for the occupiers of both existing and new developments.
11. The overall impression of the proposed flat is that it fails to provide a satisfactory environment for its future occupiers as a result of its limited and somewhat cramped layout. In addition, the proposed patio area would be surrounded by fencing and screening, and coupled with its limited depth, would make it a rather confined area to sit out and relax. Furthermore, the proposed bedroom for the flat does not contain any windows which would create a dark and unappealing space for its occupiers, which could also necessitate artificial lighting during the day. While I acknowledge that the development proposes bi-folding doors and roof lights within the extension to serve the flat's living room, without substantive evidence to the contrary, I remain unpersuaded that sufficient light would filter through to the bedroom.
12. Moreover, the lack of space within the studio flat leads me to consider whether the building could accommodate both the flat and dwelling and still provide a satisfactory environment for all its occupiers. Clearly the THS is helpful guidance when considering such matters and as both units would fail to provide minimum levels of floorspace, it would also fail to provide an acceptable living environment. Consequently, I do not consider that the development as proposed would deliver the quality of accommodation required by Policy DP7 of the Local Plan.
13. Thus, the development would result in harm to the living conditions of future occupiers as a result of cramped and limited layout. 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 developments are of a high standard and provide a satisfactory environment for its occupiers.

Parking

14. Parking along Cromwell Road is not controlled with some properties benefiting from private, off-street parking. The appeal site benefits from a double garage to its rear which also has space in front of it for additional parking. The double garage would remain available for parking along with a proposed car port to the front of the site.
15. The Council state that to meet its adopted parking standards as set out within its SPD² (the parking SPD) the proposed development must provide two allocated spaces for the three bedroom dwelling and a one bedroom flat should provide either 1.5 unallocated or two allocated spaces. In addition, the dimension of the garage to the rear of the site does not meet the criteria as stated within the parking SPD.
16. The parking SPD indicates that the requirements to meet its standards apply equally to all parts of the District. Consequently, the parking SPD does not

² Tandridge District Council Parking Standards Supplementary Planning Document (SPD) 2012

take account of local situations, although it does state that the availability of public transport should be taken into account. The appeal site is located in a sustainable location with good access to public transport and there is opportunity to access local facilities by foot and bicycle. Therefore, whilst acknowledging that demand for parking in the area may be high, and having regard to the standards in the parking SPD, in light of the sustainability of the location, I consider that the proposed development would make satisfactory provision for off street parking.

17. In light of the above, I find that the proposed development would not have a harmful effect on the local road network in terms of parking provision. Thus, I do not find conflict with Policy CSP 12 of the Core Strategy and Policies DP5 and DP7 of the Local Plan which together require new development to make adequate provision for parking in the interests of preserving amenity and highway safety.

Other Matters

18. Reference has been made to the potential to carry out elements of the scheme as 'permitted development'. However, whether or not planning permission is required for the proposal is not a matter that is before me as part of this appeal, as other mechanisms exist to resolve such issues.

Conclusion

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

Graham Wyatt

INSPECTOR