



Appeal Decisions

Site visit made on 24 November 2020

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal A Ref: APP/M3645/C/20/3254455 13 Saxbys Lane, Lingfield, Surrey RH7 6DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Cavendish House Trust against an enforcement notice issued by Tandridge District Council.
 - The enforcement notice was issued on 20 May 2020.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the erection of an extension to the east of the building in the approximate position shown by a blue line on the attached plan.
 - The requirements of the notice are:
 - i. *Either demolish the extension to the east of the building (outlined in blue on the attached plan), reinstating the affected walls and roof of the building to that which existed prior to the works commencing; or alter the extension to accord with the drawings numbered 101-105 which were approved under application reference 2019/19 on 20 March 2019.*
 - ii. *Remove from the land all building material and rubble arising from compliance with i above.*
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/M3645/D/20/3252215 13 Saxbys Lane, Lingfield, Surrey RH7 6DL

- 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 Cavendish House Trust against the decision of Tandridge District Council.
 - The application Ref TA/2020/92, dated 13 January 2020, was refused by notice dated 3 April 2020.
 - The development proposed is extensions to existing property, demolition of garage, construction of 2 side extensions, internal alterations and additional windows.
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Decisions

Appeal A - the s.174 appeal

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B – the s.78 appeal

2. The appeal is dismissed.

The Section 78 appeal and ground (a) of the Section 174 appeal

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding residential area.

Reasons

4. The appeal building is a bungalow bought by the appellants in 1996 to be a home for young adults with learning disabilities. Planning permission was granted in March 2019 for the demolition of an existing garage, the construction of 2 side extensions, internal alterations and additional windows. The easternmost of the two extensions was not carried out in accordance with the approved scheme, and instead of a pitched roof to reflect that of the existing dwelling, a flat roof with a roof lantern has been provided. This extension is the subject of both the S.78 appeal and the deemed application for planning permission on the S.174 appeal.
5. The site lies in a pleasant residential street where dwellings are a mix of ages, designs and types, but it is not formally recognised in any local designations or policy for any special character. The extension is on the side of the dwelling facing the street, set back from it by about 20m. The extension can be seen clearly through the access drive, although when in leaf, deciduous trees on either side of the access and along the street frontage are likely to screen views more effectively than at the time of my visit.
6. Policy CSP 18 of the Tandridge District Core Strategy (CS) deals with character and design and, amongst other things, it requires that new development, within town centres, built up areas, villages and the countryside is of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Policy DP11 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) also requires that new development within Lingfield be in character with the settlement.
7. The existing bungalow is finished in yellow facing brick, white UPVC cladding and has a shallow pitched tiled roof. The extension in question is constructed in matching brick and cladding, and it is clearly a subsidiary addition. Whilst the principal elevation of the bungalow faces the side boundary, the extension is on the elevation facing the road, and therefore it is an important one.
8. I accept that the materials and the bulk of the extension are not wholly dissimilar to the approved scheme. However, the flat roof and the almost continuous run of windows across the whole width of the extension results in an addition which pays little regard to the design of the host building or the form of buildings nearby, all of which have pitched roofs. A neighbour has described the property as looking “like a commercial building” and I have some sympathy with that view, in that the extension is so starkly out of keeping of what might be expected on the public edifice of a dwelling in an area with a strong residential character. It is of a poor standard of design, which is not

acceptable on a public-facing elevation, and the harm would not be sufficiently mitigated by the existing tree screening, or even additional planting.

9. I therefore find on the main issue that the extension results in significant harm to the character and appearance of the host bungalow and to the surrounding area, and conflicts with the development plan policies referred to above. Although the Lingfield Village Design Statement Supplementary Planning Document is of some age, it includes an aim for development to be sympathetic to the style of buildings in the locality, which I consider is broadly consistent with national and local policy, and therefore I afford the conflict with this provision significant weight, and this reinforces my conclusion on this issue.

Other matters

10. I am mindful that compliance with the notice would result in delay in the provision of much-needed accommodation for young people with particular housing needs, as well as additional cost for the trustees of the charity. However, the National Planning Policy Framework points out that good design is fundamental to what the planning and development process should achieve, and the importance which is attached to good design outweighs the inconvenience, delay and cost of complying with the notice.
11. Compliance with the notice would also result in interference with the appellants' right to respect for property, under Article 1 of the First Protocol, which is a Convention right enshrined into UK law by the Human Rights Act 1998. However, this right is not an absolute one, and interference may be justified in the public interest. In this case, upholding national and local planning policy, and the importance of protecting the character and appearance of the area are matters of legitimate public interest.
12. There are no lesser steps which could be taken to meet the policy objectives, and whilst I recognise that the interference with the appellants' rights would be significant, the burden of complying with the enforcement notice would be necessary and would not be disproportionate.

Conclusions

Appeal A – the s.174 appeal

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B – the s.78 appeal

14. The appeal is dismissed.

JP Roberts

INSPECTOR