



Appeal Decision

Site visit made on 17 November 2020

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/M3645/W/20/3251147

34 Kings Cross Lane, South Nuffield, RH1 5NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Greenhalgh against the decision of Tandridge District Council.
 - The application Ref TA/2019/1961, dated 24 May 2019, was refused by notice dated 21 October 2019.
 - The development proposed is removal of various stable buildings and sandschool and erection of seven dwellings with associated access and parking.
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Decision

1. The appeal is dismissed

Procedural Matter

2. The application is in outline with matters of access, appearance, layout and scale to be considered as part of the application whilst matters concerning the landscaping of the site are reserved for future consideration.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area, (ii) the effect upon the living conditions of the occupiers neighbouring properties with particular regard to outlook from 33 Kings Cross Lane and (iii) if harm arises, whether this is outweighed by other material considerations.

Reasons

Character and appearance

4. The appeal site is located on the edge of the village settlement (with the proposed access road outside of the defined village boundary). Located adjacent to open fields and woodland, the site and its surroundings have a prevailing rural character. The long rear gardens of the existing residential properties, with the low profile stables and the sandschool at the rear, provide a pleasant transition from the built-up area to the surrounding countryside.
5. The seven proposed dwellings have been arranged in a rather formal layout in facing rows of four and three dwellings respectively, separated by front parking areas and the proposed access road. Notwithstanding that one will be detached, each of the houses would be of virtually the same design with little variation to add interest and character to the overall proposal. The resulting development would introduce a strong and uniform urban presence onto the

- site. The gaps between the buildings would be small and, whilst green rear garden spaces would be provided around the houses, the overall development would have a cramped form in relation to the more spacious surrounds. The proposed residential layout would be more akin to a suburban site and would not be sympathetic to the characteristics of this site at the edge of the countryside.
6. The appellant has sought to limit the size and scale of the new buildings with first floor accommodation provided in the roof space. Nevertheless, in this location at the edge of the settlement and next to the long rear gardens of neighbouring properties on Kings Cross Lane, the proposal would appear as an incongruous form of development to the significant detriment of the character and appearance of the area. Whilst the development would not be prominent when viewed from Kings Cross Lane, this does not mitigate the overall harm to the surrounding area.
 7. Existing residential development to the rear of housing on the north side of Kings Cross Lane can be found at Thepps Close to the west of the appeal site. Nevertheless, the appeal site is located at an outermost corner of the defined village settlement which increases the sensitivity of any new development upon it. Furthermore, the row of four houses in the appeal scheme would be located closer to the northern edge of the village settlement than the houses at Thepps Close. Consequently, whilst Thepps Close provides a nearby example of substantial development to the rear of dwellings along Kings Cross Lane, it does not provide an overriding justification the appeal scheme.
 8. A residential development is also being constructed on the opposite side of Kings Cross Lane. However, it appears that there were previously a more substantial range of existing buildings on that site than the low profile stable buildings to be removed from the appeal site. Furthermore, in considering that development, the Council's office report states that the combination of the layout, height and general design would create an individual, interesting and attractive development that would fit comfortably with its rural setting. This is in contrast with my findings on the general design of the appeal proposal being inappropriate to its surroundings.
 9. At my site visit I also observed the completed scheme at Queens Court, Kings Cross Lane. I have no details of the circumstances of the approval of this scheme which makes it difficult to draw direct comparisons of significance for the appeal scheme before me. The Queens Road scheme is located away from the appeal site and is not visible from it. I do not consider that its presence has a significant bearing on the effect of the appeal scheme upon character and appearance.
 10. The proposed development would result in substantial harm to the character and appearance of the area. This harm would conflict with the design aims of Policies CSP18 and CSP21 of the Tandridge Core Strategy 2008 ('the Core Strategy'), Policies DP7 and DP12 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 ('the Local Plan').

Living conditions

11. The nearest of the proposed houses would be fairly close to the side boundary of the site adjoining No.33 and would be clearly visible when viewed from its rear garden. However, the houses would be adjacent to the rear portion of

what is a considerably sized garden. The rear patio area within No.33's rear garden would be a substantial distance away from the nearest proposed house. There would also be further opportunity for enhanced landscaping along the edge of the site which would help to reduce the impact of the proposed development on the visual outlook from the neighbouring garden.

12. Taking account of the above factors, the design of the proposed houses incorporating first floor accommodation within the roof space and low front/rear eaves would ensure that the houses would not appear as unacceptable overbearing or visually intrusive in the outlook when viewed from the rear garden of No.33.
13. The separation distance to 32 Kings Cross Lane would be yet greater and therefore no adverse impacts on living conditions would also result for the occupiers of that property.
14. The proposed development would not therefore result in any significantly adverse effects upon the living conditions of the occupiers of neighbouring properties. It would satisfactorily accord with the relevant amenity aims of Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan.

Other Considerations

15. The parties agree in their submissions that the Council is unable to demonstrate a five year supply of deliverable housing sites. The appellant considers the supply to be 1.93 years (not taking account of the sites allocated within the emerging Local Plan 2033 which has yet to pass examination). This represents a substantial shortfall. As a small site the proposed development could be capable of being built out quickly to provide for new homes. The appellant also draws attention to the constraints of Green Belt in delivering new housing elsewhere within the District. Taking account of all these considerations, the proposal for seven dwellings would make a small yet not insignificant contribution towards improving the supply of housing, to which I have attached moderate weight.
16. The development of seven houses would also result in some further limited social and economic benefits including support for local facilities, spending within the economic and short term benefits from construction. These benefits would be limited due to the small number of houses proposed and together add only modest weight in support of the proposal.
17. There is no dispute between the Council and the appellant regarding the Green Belt implications of the proposal and I have not considered this any further as part of this appeal.

Planning Balance

18. For the purposes of this appeal, the relevant design aims of Policies CSP18, CSP21, DP7 and DP12 are generally consistent with those of the Framework, including the aims of Framework to ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting. The conflict with these relevant Development Plan policies should therefore be given significant weight in this appeal.

19. Whilst I have found no harm to result upon residential living conditions of neighbouring occupiers, I have found substantial harm to result upon the character and appearance of the area. Due to this harm, and even taking account of the proposed new housing provision, I consider that the proposal would be contrary to the development plan when considered as a whole.
20. The National Planning Policy Framework ('the Framework') makes clear that where there is no five year supply of deliverable housing sites, the policies which are most important for determining the application are out of date. In accordance with paragraph 11(d) of the Framework, the tilted balance is applicable.
21. In this case, the adverse impacts arising due to the substantial harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits outlined above when assessed against the policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.

Conclusion

22. The proposals would be contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh his finding.
23. For the reasons set out above I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR