



Appeal Decision

Site Visit made on 25 November 2020

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/M3645/W/20/3246871

34 Westmore Road, Tatsfield, TN16 2AX

- 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 Smyth Bros (Development) Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2019/2010, dated 14 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is demolition of existing bungalow and buildings and erection of 2 x 3-bedroom semi-detached houses.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been submitted by the appellant. This is the subject of a separate Decision.

Main Issue

3. The main issues are (a) the effect of the development on the character and appearance of the area by reason of its size and siting, (b) the impact of the massing of the development on the living conditions of occupiers of 36 Westmore Road, (c) the adequacy of usable garden space for occupiers of the proposed dwellings and (d) the requirement for incorporation of on-site renewable energy technologies.

Reasons

Character and appearance

4. The appeal relates to the site of a vacant, detached bungalow on a rectangular plot on the eastern side of the road. The surrounding area is residential in character and mixed in form. To the south, no.32 is a detached dwelling positioned on the back edge of the footway. To the north are a pair of semi-detached houses on lower ground with the detached garage to no.36 adjacent to the site boundary. Westmore Road comprises bungalows and two storey houses with variations in their size, siting, design and plot shapes.
5. The site has a frontage of approximately 12m which would be subdivided to form two symmetrical dwellings each about 5m in width. Policy DP12 of the Tandridge Local Plan (2014) (TLP) in relation to development within Defined Villages in the Green Belt, such as Tatsfield, promotes infilling within an existing substantially developed frontage provided *"this does not include the*

inappropriate subdivision of existing curtilages to a size below that prevailing in the area". The proposal would result in plot widths narrower than most others prevailing in the area, but there have been some recent developments on relatively narrow plots at 35-41 Westmore Road. The houses would be about 1m from each side boundary. Spacing between dwellings varies in the road and having regard to the siting of adjacent houses at nos. 32 and 36 the spacing to the side boundaries would be satisfactory. The proposal would not appear unduly close to neighbouring dwellings or to plot boundaries.

6. However, the barn style roof with a part hip and part gable to the flanks would result in a bulky appearance to the dwellings that would be uncharacteristic for the road. Whilst there is variation in the size and design of houses in the road, they tend to be of two storey height with conventional eaves detailing. Although some, such as no.38 have had a dormer added, the proposal by comparison would result in an elongated and relatively cramped appearance given the height and massing of the dwellings and their relatively narrow plots. It would not be possible to use a planning condition to require approval of final details of an alternative roof form as this would be likely to compromise the useable floor area remaining in the roof area.
7. The four parking spaces on the frontage would largely fill the space in front of the dwellings and would leave negligible space for landscaping. Provision of visibility splays at either end of the frontage would preclude any form of front boundary enclosure other than possibly very short lengths of low walls. A totally or predominantly open frontage for parking would not be typical for Westmore Road which predominantly has a mixture of enclosures and landscaped front gardens. The possibility of exercising permitted development allowances to provide frontage parking spaces should not negate inclusion of suitable landscape measures where this is a strong characteristic of the street scene, even allowing for some change in that character over time.
8. Three new houses at 35-39 Westmore Road also have open frontages for parking, but these plots appear a little wider and the dwellings less bulky with lowered rather than raised eaves lines to their flanks. The combination of bulky massing, narrow dwellings and open frontages dominated by parking means that the proposal would result in a cramped appearance out of keeping with the character of development in the road. The proposal would thereby conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) (TCS) and with Policies DP7 and DP12 of the TLP which collectively require development to have a high standard of design that reflects and respects the character, setting and local context, including features that contribute to local distinctiveness.

Living conditions

9. The semi-detached houses at 36-38 Westmore Road are sited away from their side boundaries. They have been designed with several side windows with those at no.36 facing their own garage. At ground floor level, there is a dual aspect lounge with front and side windows, a side entrance to the rear of this and side windows serving a passageway and dining area beyond this. The kitchen has a rear facing window, but there is a first floor bedroom with a side window that would also face the development.
10. As the proposed houses would be to the south of no.36, a shadow would be cast towards these flank habitable room windows. The length of the shadow would vary with the time of year but given the separation between the

buildings, in my judgement the proposal would not result in a material loss of natural light to the affected rooms. However, the combined effect of lower land levels at no.36 by about 0.5m and the raised eaves to the barn style roof to the flank of the nearest proposed house would result in the development having an overpowering and overbearing presence. This would be experienced at the side of the house and within the back garden.

11. The massing, height and proximity of the houses would thereby be harmful to the living conditions of occupiers of no.36. The proposal would be contrary to Policy CSP18 of the TCS and Policy DP7 of the TLP which seek to ensure development safeguards the amenities of the occupiers of neighbouring properties by reason of matters including overshadowing and visual intrusion.

Garden areas

12. A large outbuilding in the back garden would be demolished. Its removal would ensure adequately sized back gardens to meet the needs of future occupiers. Its removal and provision of areas for refuse and recycling and cycle storage within the back gardens could be secured by planning conditions.

Renewable energy

13. The proposal did not include details to demonstrate how the houses would achieve a 10% (minimum) reduction in CO2 emissions through the incorporation of on-site renewable energy technologies to satisfy the requirements of Policy CSP14 of the TCS. A planning condition could have been used to secure the subsequent approval of appropriate details had the proposal been satisfactory in other respects.

Other Matters

14. The Council cannot currently demonstrate a five year supply of deliverable sites to meet its housing targets, and the Government's published Housing Delivery Test data confirms Tandridge has delivered fewer homes than required. As such, the tilted balance at Paragraph 11(d) of the National Planning Policy Framework is engaged. The benefit of an additional dwelling in a sustainable location would accord with the Government's objective of "*significantly boosting the supply of homes*" set at Paragraph 59 of the Framework.
15. However, Paragraph 127(c) requires planning decisions to ensure that developments "*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*". Paragraph 127(f) requires "*a high standard of amenity for existing and future users*". The adverse impact on the character of the area, and on the living conditions of adjoining occupiers arising from the proposal, would significantly and demonstrably outweigh the benefit of a single additional dwelling, when assessed against the policies in the Framework taken as a whole.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR