

Appeal Decision

Site visit made on 23 November 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020.

Appeal Ref: APP/M3645/W/20/3255226

40 Johnsdale, Oxted, Surrey RH8 0BP

- 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 P Whitcher against the decision of Tandridge District Council.
 - The application, Ref. TA/2020/642 dated 24 March 2020 was refused by notice dated 2 June 2020.
 - The development proposed is the construction of a 2 storey, 2 bedroom dwelling adjacent and attached to the existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed house on the street scene of Johnsdale, and (ii) the effect on the living conditions for occupiers of Nos. 39 and 40 Johnsdale as regards outlook and for No. 39 also privacy.

Reasons

3. On the first issue, I saw on my visit that No. 40 Johnsdale is one half of a semi-detached pair of houses in a cul-de-sac that includes a number of other such pairs of the same design. The symmetry of each of these matching pairs and the fact that apart from the four dwelling terrace at the head of the cul-de-sac they are the predominant feature of the street scene, provides a pleasing rhythm to the street scene.
 4. There is currently a gap between each end of the terrace and the nearest house in the first semi-detached pair. Both the physical gap and the mature vegetation presently visible are important in breaking up what would otherwise be a continuous mass of built form around the cul-de-sac head. On the assumption that a Tree Preservation Order is not made, the vegetation might in any event be removed at some time. But the gaps themselves make a significant contribution towards the perception of a more spacious street scene.
 5. Although the front wall of the proposed attached dwelling would be set back from the front elevation of No. 40 by almost 3m, it would immediately splay out along the boundary with No. 39 (or the access path depending on ownership) at two storey height. Even with its recessed siting, the building would fill in much of the existing break between Nos. 39 and 40. And with its contemporary flat roofed appearance in marked contrast to the traditional design of the existing
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houses, the house would draw the eye in public and private views at the cul-de-sac head as a contrived, cramped and jarring attachment to No. 40. If anything, the CGI in the appeal statement tends to confirm my opinion. And whilst I recognise that contemporary and traditional design can be good neighbours, the examples given for the appellant in my view do not fall into that category.

6. In summary on this issue, I consider that the combination of the loss of the gap and the incongruous appearance of the proposed dwelling would be detrimental to the street scene. This would be in harmful conflict with Policy CSP18 of the Tandridge District Core Strategy 2008; Policies DP7 & DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Section 12: ‘Achieving Well Designed Places’ of the National Planning Policy Framework 2019 (‘the Framework’).
7. Turning to the second issue, the Council is correct to assess that a 2m depth of flank wall of 5m height at such close quarters above No. 40’s rear decking would be overbearing and dominating when viewed from that decking and the kitchen window. However, as regards the effect on No. 39, given the orientation of that dwelling relative to the proposed development I am not persuaded that the impact of the fairly limited length of proposed flank wall or the oblique aspect from the bedroom window would have too adverse an effect on outlook and privacy respectively. However, as I have explained, the effect on the outlook from No. 40 would be unacceptable and contrary to the aforementioned Policies CSP18 and DP7.
8. Taking the appeal scheme as a whole, I have carefully considered the grounds of appeal. As regards paragraph 11d) of the Framework, I acknowledge the benefit of an additional house but I am nonetheless satisfied that this is clearly and demonstrably outweighed by the adverse effects that would occur in respect of the first main issue.
9. I acknowledge that in longer views up Johnsdale the development would not be seen and that the entire site context is to be fundamentally altered by the gasholder redevelopment. However, for the reasons set out I do not consider that these factors affect my assessment of the appeal scheme and its more specific impact. In itself the scheme is not without merit and displays considerable ingenuity, but in my assessment it is the wrong building on a site with too many constraints.
10. Having taken these and all other matters raised into account, I conclude that the appeal should be dismissed.

Martin Andrews

INSPECTOR

