



Appeal Decision

Site visit made on 1 December 2020

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/M3645/W/20/3256386

33 Crowborough Drive, Warlingham CR6 9SJ

- 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 Michael Withall against the decision of Tandridge District Council.
 - The application Ref TA/2020/492, dated 10 February 2020, was refused by notice dated 19 June 2020.
 - The development proposed is described in the application form as 'proposed 3no bedroom dwelling on land adjacent to 33 Crowborough Drive, Warlingham'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect upon the character and appearance of the area;
 - ii) Whether the proposal would include satisfactory parking provision; and
 - iii) The effect upon wildlife, habitats and protected species.

Reasons

Character and appearance

3. The streetscene in the vicinity of the site is predominantly characterised by semi-detached properties which generally maintain a good separation at first floor level to their side boundaries. Whilst there are some side extensions above ground floor level, these are in the minority and do not significantly alter the overall character and appearance of Crowborough Drive and adjoining roads.
4. The proposed development would result in a plot and building width that would be substantially and noticeably narrower than those prevailing in the locality of the site on Crowborough Drive and Fearn Close. The overall proportions of the new dwelling would appear at odds with most of the other existing dwellings within the streetscene. Located close to the side boundary it would appear as a cramped form of development that fails to accord with the general character and rhythm of the streetscene.

5. Although it may be possible in some instances for windfall or infill proposals to have narrower plot widths than neighbouring sites, I consider that the harm resulting in this case would not satisfactorily respect the prevailing built form, character and layout of the streetscape.
6. The rearmost part of the proposed dwelling would have a two storey flat roof. The flat roof would be slightly higher than the main eaves level of the extended building. Whilst it would be located at the rear, it would be large enough to be clearly visible from the rear gardens of neighbouring properties. This flat roofed design, would not be sympathetic to the design and roof form of the existing dwelling and would appear as an unacceptably incongruous addition to the existing dwelling.
7. Whilst the proposal has been designed to provide a continuation of the existing building and has the same eaves height, main roof design and external materials, this does not override the harm set out above.
8. The existing frontage of the appeal site has been previously hard surfaced. Therefore, whilst the front driveway as proposed would not offer an opportunity for any significant landscaping, this would not be different to the existing situation. I therefore find no harm in this respect.
9. At my site visit I observed the existing extension at 22 Crowborough Drive. That development comprises an extension to the existing house rather than a new house. It is also located on a bend in the road which due to the resulting layout of houses, leaves a greater separation distance to the neighbouring property which reduces its overall effect within the streetscene. In any case, the extension at No. 22, along with other existing extensions in the vicinity of the site, do not significantly change the prevailing character and appearance of the streetscene to the degree that would justify the harm that I consider would arise from the appeal scheme before me.
10. The proposed development would result in considerable harm to the character and appearance of the area. It would not accord with the design aims of Policy CSP18 of the Tandridge Core Strategy 2008 ('the Core Strategy') and Policies DP7 and DP8 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 ('the Local Plan').

Parking

11. The proposal would provide for three on-site parking spaces, a shortfall of one space below the parking requirements set out in the Council's Parking Standards Supplementary Planning Document (SPD).
12. The County Highway Authority has not raised any objection in relation to the safety and operation of the public highway.
13. The site is located within reasonable access to local facilities and public transport, including a supermarket within walking distance of the site. In this location and taking account of the limited size of both houses, there is a good likelihood that the occupiers would not own more than one car per dwelling. Furthermore, although no parking capacity study has been provided, it appears from my observations at my site visit that there would be some opportunity for parking on Crowborough Drive without any significant impacts on residential amenity or the convenience of other highway users. I have no substantial

evidence before me to suggest that a shortfall of one car parking space would lead to any material impacts.

14. Therefore, whilst having regard to the Council's SPD, in this case it is unlikely that the proposed development, with three parking spaces, would result in any significantly adverse impacts. The proposal would therefore be satisfactorily in accordance with the relevant parking and highway aims of Policies DP5 and DP7 of the Local Plan and Policy CSP12 of the Core Strategy.

Wildlife, habitats and protected species

15. The existing accommodation to be demolished, including the garage, is not part of a particularly old building and appears to have only a small amount of roof space with a flat roof. There is no evidence or records of bats or other protected species at or in the vicinity of the appeal site. Whilst no detailed survey information has been provided with the application, I do not consider that there is a reasonable likelihood in this case that this part of the existing building could provide a location for bat roosts or use by other protected species.
16. The proposal would therefore not materially conflict with the biodiversity and wildlife aims of Policy CSP17 of the Core Strategy and Policy DP19 of the Local Plan.

Other matters

17. The Council states that it has a housing land supply of 1.93 years (not taking account of the proposed Local Plan allocation). This is a substantial shortfall. The proposal would provide for one new dwelling. Whilst not unimportant, it would make only a very small contribution towards addressing this shortfall. The proposal also seeks to make the best use of previously developed land in the built-up area. Together, these benefits carry modest weight in support of the proposal which I have carried forward to the planning balance below.
18. Paragraph 68 of the National Planning Policy Framework ('the Framework') states that great weight should be given to the benefits of using suitable sites within existing settlements for homes. However, in this case given my concerns regarding the impacts upon character and appearance, it has not been demonstrated that this is such a suitable site for new housing.
19. My attention has been drawn to two other appeal decisions. In the decision for 2 Lime Grove¹ the Inspector found there to be 'some limited harm' to the character and appearance of the area. This differs from the current appeal where I have found there to be considerable harm to character and appearance. The development at 2 Lime Grove also appears to me to be more proportionate to the existing terraced properties than the relationship of the appeal proposal with the existing pair of semi detached properties.
20. In the decision for 19 Chelsham Road² the Inspector found that the proposal would have 'an acceptable impact on character and appearance', in contrast with my findings regarding the current appeal. I also note that that the proposal appears to be more in keeping with the existing development than the

¹ APP/M3645/W/19/3232622

² APP/M3645/W/19/3241249

appeal scheme. I have therefore given these other decisions only minimal weight.

Planning Balance

21. For the purposes of this appeal, the relevant design aims of Policies CSP12 of the Core Strategy and Policies DP7 and D8 of the Local Plan are generally consistent with those of the Framework including the aims of the Framework to ensure that developments add to the overall quality of the area, are visually attractive and are sympathetic to local character. The conflict with these relevant Development Plan policies should therefore be given significant weight in this appeal.
22. Whilst I have found no harm would be likely to result from the proposed parking provision or upon biodiversity and wildlife, I have found considerable harm to result upon the character and appearance of the area. Due to this harm, and even taking account of the proposed new dwelling, I consider that the proposal would be contrary to the development plan when considered as a whole.
23. 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 and, in accordance with paragraph 11(d) of the Framework, the tilted balance is applicable.
24. In this case, the adverse impacts arising due to the considerable harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole. As a result the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal 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 this finding.
26. I therefore conclude that the appeal should be dismissed.

David Cliff

INSPECTOR