



Appeal Decisions

Site visit made on 11 January 2021

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal A: APP/M3645/C/20/3253403

Land at 24 Coldstream Road, Caterham CR3 5ZA

- 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 Mr Leroy Chambers against an enforcement notice issued by Tandridge District Council.
 - The enforcement notice was issued on 6 May 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission the installation of roof lights, two to the front and two to the rear of the property
 - The requirements of the notice are: (i) Remove the roof lights described. (ii) Reinstall the roof which existed prior to the works commencing using roof tiles to match the existing roof slope. (iii) Remove the material arising from compliance to an authorised place of disposal.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the 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: APP/M3645/W/20/3250314

24 Coldstream Road, Caterham CR3 5ZA

- 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 Leroy Chambers against the decision of Tandridge District Council.
 - The application Ref TA/2019/1683, dated 16 September 2019, was refused by notice dated 28 February 2020.
 - The development proposed is loft conversion with velux roof windows.
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Summary of Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B

2. The appeal is allowed, and planning permission is granted.

Procedural Matter

3. As appeals A and B relate to the same development, namely four roof lights, which then facilitate a loft conversion, I have considered the appeals together.

Appeals A and B

The ground (a) appeal and refusal of planning permission

Main Issue

4. The main issue is whether the roof lights preserve or enhance the character or appearance of the Caterham Barracks Conservation Area (the CA).

Reasons

5. The site comprises a terraced three-storey town house. In the immediate locality there are a range of two and three-storey residential buildings as well as commercial premises and a supermarket.
6. In determining this appeal, I have duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. As the CA is a designated heritage asset, it is irreplaceable, and so any harm or loss requires clear and convincing justification. The National Planning Policy Framework (the Framework) advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
7. The Council has provided very little evidence about the CA. There has also been no Character Appraisal undertaken. I therefore have very little evidence concerning the special interest and significance of the CA aside from uniformity being seen as one of its key defining characteristics.
8. On that basis I can only consider that the site derives its significance from its location, being within the CA. That said, it is a more modern and large residential building which I understand is built on part of the former barracks. I could see during my site visit that there are similar residential buildings but otherwise the area has a mixed and varied character.
9. The roof lights have a slightly ad-hoc arrangement within the roof slope. Nevertheless, their scale, form and position are not unduly prominent on this large terrace of dwellings when viewed in the context of either street-scene from where they can be seen, or, in wider views from the cricket green. They therefore do not appear jarring or undermine the sense of uniformity of the building as a whole, which contains various projecting roof slopes and so is already interrupted in this regard. They therefore do not adversely affect the character of the street-scenes.
10. The roof lights therefore integrate effectively within their specific surroundings and have little bearing on the mixed and varied character that contributes to local distinctiveness. In this regard the roof lights can be said to respect the character of the host building and given their location, are sympathetic to the wider architectural character of the designated heritage asset and so preserve it.
11. Accordingly, they do not represent poor design that should be refused permission or development that undermines the broad architectural coherence of the roofscape of the host building. I appreciate that other properties in the

terrace and more widely do not contain roof lights, but this absence does not persuade me that harm arises from the retention of those installed. I also appreciate concerns about precedent, but each proposal must be considered on its own planning merits, as indeed I have in reaching my findings.

12. I conclude that the roof lights preserve or enhance the character or appearance of the CA in accordance with Policies DP7 and DP20 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2019, adopted July 2014, and Policy CSP18 of the Tandridge District Core Strategy, adopted October 2008. These policies, amongst other things, require development to integrate effectively with its surroundings, be sympathetic to the heritage asset, and, respect the character that contributes to local distinctiveness. For the same reasons it accords with the conserving and enhancing the historic environment objectives of the Framework.
13. As I have not identified harm in respect of the roof lights, I need not consider whether any public benefit arises, or the weight to then be afforded to these.

Planning Conditions

14. As the development before me is substantially complete and is otherwise acceptable in planning terms, planning conditions are neither relevant nor necessary.

Overall Conclusion

15. For the reasons given above I conclude that the appeals should succeed, and planning permission will be granted. The appeal on grounds (f) and (g) do not therefore need to be considered.

Formal Decisions

Appeal A

16. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of roof lights, two to the front and two to the rear of the property on land at 24 Coldstream Road, Caterham CR3 5ZA referred to in the notice.

Appeal B

17. The appeal is allowed and planning permission is granted for a loft conversion with velux roof windows at 24 Coldstream Road, Caterham CR3 5ZA in accordance with the terms of the application, Ref TA/2019/1683, dated 16 September 2019.

Paul T Hocking

INSPECTOR