



Appeal Decision

Site visit made on 21 January 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021.

Appeal Ref: APP/M3645/W/20/3257398

97 Foxon Lane, Caterham CR3 5SJ

- 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 Peter Gilbert against the decision of Tandridge District Council.
 - The application Ref: TA/2020/481 dated 9 December 2019, was refused by notice dated 22 May 2020.
 - The development proposed is 3 bedroom detached dwelling with associated parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal follows on from and seeks to address the reasons for refusal by the Council and subsequently at appeal on an earlier scheme for a detached dwelling at the same site (Council's reference: TA/2019/1 and appeal reference: APP/M3645/W/19/3229015). Whilst I have taken the previous refusals into consideration, each proposal must be considered on its own merits and this has been the basis of my assessment.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

Reasons

4. The appeal property is a semi-detached dwelling sitting on a wide plot with a generous garden to the side, on the east side of Foxon Lane, within a predominantly residential area. The host property is one half of two pairs of distinctive semi-detached properties which I understand were built at the time when the area formed part of a now disused RAF base.
5. The proposal would divide the site and demolish an existing garage and outbuildings to the side of the existing property and replace with a detached dwelling with off street parking and garden. There is no objection in principle to the introduction of an additional dwelling in this general location.
6. The surrounding area has a broad mix of housing of differing scales and plot sizes. However, the two pairs of semi-detached properties, comprising the appeal property and its neighbours are visually and positively distinctive in the

street scene, by virtue of their much wider and spacious plots and attractive house designs where the width of the houses, reflecting their spacious plot sizes, is a noticeable feature. The proposed sub-division of the existing plot to create a new plot would result in the new plot being considerably and conspicuously narrower than the plots on either side. In addition, the proposed new house would be much smaller and narrower than the houses on either side with narrow margins to its side boundaries. As a result, the new house would appear cramped within its narrow plot and in relation to the host property compared with the existing spacious plot sizes and the scale and proportions of the existing houses. These findings are not reliant on an assessment of the percentage of plot coverage but an assessment of the plot width, scale of new house and margins to the plot boundaries in comparison with the immediately surrounding dwellings.

7. The proposed design of the new house has sought to incorporate design features from the existing host property, including the projecting gable front, together with matching materials with the existing property. However, the much smaller scale of the new dwelling compared with the existing, including in terms of width and height, would appear discordant and out of place, adversely disrupting the existing pattern of development.
8. The proposed new dwelling, given its scale and plot size would appear visually incongruous in the street scene and would detract from the character and appearance of the distinctive group of two pairs of semi-detached properties and of the local area.
9. I therefore conclude that the proposal would not respect but would harm the character and appearance of the local area. This would conflict with the National Planning Policy Framework (Framework) and in particular Section 12 and Policy CSP18 of the Tandridge District Core Strategy (2008) and Policies DP7 and DP8 of the Tandridge District Local Plan Part 2: Detailed Policies (2014), all of which seek a high quality of design, which respects the local context.

Other Considerations

10. The neighbours on either side of the proposed property, both at the host property at No 97 and at the property to the south at No 95, would be able to see the new property from windows in their properties and from their amenity areas. However, I am satisfied that given the distances between as well as the arrangement of windows in the proposed and the existing, there would be no material harm to their living conditions, including with regard to outlook, overlooking and loss of privacy. Neighbours at other surrounding properties would also be aware of the new property but given the siting of the proposed in relation to these other properties, I am also satisfied that there would be no material impact on their living conditions. The Council has also raised no concerns in this regard.
11. I find nothing in my assessment which contradicts the conclusions found by the Inspector in the earlier appeal decision under the reference: APP/M3645/W/19/3229015.

Planning Balance

12. The Appellant has referenced and the Council has acknowledged that it cannot demonstrate a 5 year housing land supply. I understand that this position has arisen since the previous appeal decision on the same site was determined.
13. The Appellant has also referenced two appeal decisions in a different local planning authority area where that authority also could not demonstrate a 5 year housing land supply and where in both cases planning permission was granted. However, and although I have had regard to these cases as well as the information that the Council has put forward about a case within its area, each case must be determined on its individual merits and taking full account of the particular circumstances pertaining to each case.
14. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a 5 year housing land supply, paragraph 11 d) of the Framework is engaged.
15. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. In the context of the development plan I have found that the proposed development would be contrary to policies Policy CSP18 of the Tandridge District Core Strategy (2008) and Policies DP7 and DP8 of the Tandridge District Local Plan Part 2: Detailed Policies (2014). For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework and whilst it could be argued that they could act to restrict the supply of housing, I attach substantial weight to them.
16. Paragraph 59 of the Framework refers to the government's objective to boost significantly the supply of housing, and paragraph 68 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In this instance, the proposal would contribute one additional family sized unit. When judged against some of the core planning principles the proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. However, good design and creating a well designed built environment are both key aspects of sustainable development.
17. In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house.
18. However, the harm identified to the character and appearance of the area would be significant and as a result the social and environmental roles of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

19. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR