

Appeal Decision

Site visit made on 19 March 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date:

Appeal Ref: APP/M3645/W/20/3256724
Hut 1, Harestone Drive, Caterham, CR3 6YQ

- 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 D Patterson, Orange and Red, against the decision of Tandridge District Council.
 - The application Ref TA/2020/511, dated 6 March 2020, was refused by notice dated 29 May 2020.
 - The development proposed is the demolition of office buildings and the erection of 7 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of office buildings and the erection of 7 dwellings at Hut 1, Harestone Drive, Caterham, CR3 6YQ in accordance with the terms of the application TA/2020/511, dated 6 March 2020, subject to the conditions set out in the attached schedule.

Main issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding residential area.

Reasons

3. The appeal site has, together with adjoining land, been the subject of a number of planning permissions over the years. This includes the erection of a building comprising 24 apartments, 3 terraced houses and a detached house (ref. 2014/384) and the demolition of existing office buildings and erection of 4 detached dwellings (ref. 2016/1727, as later amended by 2018/1583). Permission 2014/384 partly covers the current appeal site and has been partly implemented, and I am informed 2016/1727 on the appeal site remains extant¹. The appeal site is the topic of the wider 'Site of the former Marie Curie Hospice Urban Design Concept Statement', adopted as a Supplementary Planning Document (SPD) in 2020.
4. I saw at my site visit that the appeal site contains a number of redundant buildings and generally has an unkempt, open and rather barren character. I

¹ By virtue of the provisions within The Business and Planning Act 2020

understand that a number of trees have been removed from the site in the past which, from the submissions by the local planning authority, the Council's tree officer and the appellants' arboriculturist, I am content were undertaken in the interest of good arboricultural practice and following any necessary consents. I do, though, acknowledge the submissions from third parties that the previous planning permissions and removal of trees did have a requirement for replanting and landscaping of the site, and the SPD stresses the need to have the widest possible retention of the gardens of the site and conservation of trees. Hence the current appearance of the site and any future proposals must be seen in that context.

5. The land on the site slopes down steeply to the north west and there are a series of steep changes in landform. This makes the site widely visible in the area, which is identified in the Council's Harestone Valley Character Assessment (HVCA) as being part of the 'Valley and Eastern Valley Slopes'. I saw that the character of that area predominately sees detached houses set into the slope of the land following the line of roads and changing landform.
6. There is diversity in this layout of the residential area. The wide Harestone Valley Road to the west seeing properties set back from the curved line of this road. To the east of the appeal site are detached houses of Loxley Close with a consistent building line fronting a cul-de-sac and turning head. To the south is evidently new housing in Loxley Close with groups of tall houses fronting a new cul-de-sac. To the north of the appeal site there is a more formal layout of buildings, with the partially completed terrace, the tall apartment building, and a quadrant of housing on Harestone Drive.
7. The dwellings proposed in this appeal would be loosely set around a cul-de-sac. This differs from the extant permission for 5 dwellings, which would see a more sinuous layout to the site. Due to the diversity in the area, as noted above, the more regular of houses fronting a cul-de-sac and turning area would not be out of character with the area. Plot sizes would be smaller than in the approved scheme and the houses set closer together. However, spacing between properties remains reasonable and the design of the houses shows single storey side elements to most properties which retain the perception of space around buildings. The spacing and plot sizes in the area vary, and hence this the housing on the site would not appear cramped or out of character. The height and scale of the individual houses proposed would similarly appear suited to the wider area, which sees houses and flats of varying design, width, depth and height.
8. The submitted plans and supporting evidence demonstrate how visually important trees would be retained during construction and in the longer term. The proposals show new planting for the site and this would create an appropriately landscaped setting for the new houses, which is sought by the Council in securing good tree cover for the site.
9. The proposed development would see an increase in density over the extant permission. I am satisfied that this is achieved with a layout and design of housing that reflects the character of the surrounding residential area and the HVCA. This would be consistent with the objectives of the SPD and hence not conflict with the relevant policies of the development plan, namely Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP7 and DP8

the Tandridge Local Plan 2014-2029 (adopted 2014), along with the Harestone Valley Design Guidance Supplementary Planning Document (2011), the general thrust of which is to seek to ensure all new development is of a high standard of design that reflects the character, setting and local context of the area.

Other considerations

10. The distance between the proposed dwellings and existing dwellings is sufficient to ensure no loss of privacy, nor any overbearing effect on the outlook from properties.
11. The Highways Authority states that sufficient parking provision is made to provide for the needs of future occupants, and for safe access and egress from the site. From what I have read and seen, I see no persuasive reason to come to a different conclusion on this matter.
12. The Surrey Wildlife Trust have commented that the information submitted with the proposed development has demonstrated that there would not be harm to protected and notable species, and that biodiversity enhancements would occur. On this basis I am satisfied there would not be any harm to the interests of ecology and nature conservation.

Conclusions

13. I am informed the Council is unable to demonstrate a five year supply of deliverable housing sites. In accordance with Footnote 7 of the Framework, this means that the policies which are most important for determining the application are out of date. Paragraph 11d) of the Framework states that in such circumstances 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.
14. For the reasons given, I have not found any harm arising from the proposed development. Thus, the proposal benefits from the presumption in favour of sustainable development, and this is a material consideration of significant weight in support of the scheme.
15. My overall conclusion is that the proposed development does not conflict with the development plan as a whole, and the appeal is allowed. The presumption in favour of sustainable development adds further weight to this finding.

Conditions

16. The Council have suggested a number of conditions in the event of the appeal being allowed, and the appellant raises no objection to these. I have attached a suggested condition specifying the relevant drawings as this provides certainty. However, I note the appellant's submissions listed the full set of drawings upon which the Council made their decision, which include the submitted drawings setting out tree protection and planting. I have therefore added reference to those drawings to provide certainty.
17. A condition requiring the approval of full details for the hard and soft landscaping, and the retention of trees, is necessary to ensure all details on these matters are controlled and implemented, given the importance attached

in the SPD relating to the landscaping of the site. I have also attached the suggested condition relating to the submission and approval of materials, to ensure a satisfactory appearance to the development.

18. The application to the Council was accompanied by a Sustainability and Energy Statement that demonstrated how the development would satisfy a 10% reduction of carbon emissions. However, that Statement said detailed specifications had not been prepared and so the Council's suggested condition on this matter is necessary, to secure the necessary energy reduction.
19. The site adjoins residential properties and access is past existing housing. I am therefore satisfied that in this instance the suggested condition requiring a construction transport management plan is necessary and relevant to ensure no unreasonable impact upon the living conditions of existing occupiers.
20. I have attached the suggested condition requiring the implementation of works and actions set out in the submitted Preliminary Ecological Appraisal and Bat Roost Assessment, in the interests of ecology and nature conservation.

C J Leigh

INSPECTOR

APP/M3645/W/20/3256724: Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans 19145/C101A, P401 D, P402 C, P403 C, P410 A, P411 A, P412 A, P413 A, P414 A, P415 A, P416 A, S101 A, S102 A, 1265-KC-7H-YTREE-TreeConstraintsPlan01Rev0, 1265-KC-7H-YTREE-TreePlantingPlan01RevB, 1265-KC-7H-YTREE-TreePlantingPlan01RevC, 1265-KC-7H-YTREE-TreeProtectionPlan01Rev0, 1265-KC-7H-YTREE-TreeSurvey&ImpactAssessment-Rev0, 1265-KC-7H-YTREE-TreePlantingPlan01Rev0, 1265-KC-7H-YTREE-LandscapeMasterPlan01Rev0.
- 3) No works above ground level shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:
 - a. means of enclosure
 - b. other vehicle and pedestrian access and circulation areas
 - c. hard surfacing materials
 - d. minor artefacts and structures (eg. furniture, play equipment, refuse/cycle or other storage units, signs, lighting etc.).Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.
- 4) All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.
- 5) No works above ground level shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the District Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

- 7) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) programme of works (including measures for traffic management)
 - (d) HGV deliveries and hours of operation
 - (e) on-site turning for construction vehicleshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 8) The development shall be carried out wholly in accordance with the 'Preliminary Ecological Appraisal and Bat Roost Assessment' report by Robson Ecology Ltd dated 30th December 2019.