



Appeal Decision

Site visit made on 18 May 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/M3645/W/20/3265315

5 Dormans Avenue, Dormansland RH7 6PT

- 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 & Mrs Parkinson against the decision of Tandridge District Council.
 - The application Ref: TA/2020/1735 dated 1 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is conversion of home office/studio to self-contained dwelling with associated parking and rear amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of home office/studio to self-contained dwelling with associated parking and rear amenity space at 5 Dormans Avenue, Dormansland RH7 6PT in accordance with the terms of the application, Ref TA/2020/1735 dated 1 October 2020 and Plan No.1 and Plan No.2, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area;
 - b) Whether the proposal would provide satisfactory living conditions for future occupants, and
 - c) Whether the proposal would provide sufficient on-site car parking.

Reasons

Issue a) Character and Appearance

3. The appeal property is an existing annexe to the side of a semi-detached dwelling on the north side of Dormans Avenue, a small cul de sac of semi-detached houses within a predominantly residential area. The proposal would convert the existing annexe into a separate dwelling, with its own curtilage.
4. There would be very limited change to the external appearance of the site from the front, as a result of the existence of the separate building with its own front door, fronting the cul de sac, even if subsequent occupiers sought to introduce

boundary divisions. At the rear the existing garden would be sub-divided, and although smaller than the surrounding rear gardens, it would remain as a rear garden and I do not consider that this would materially affect the residential character and appearance of the local area.

5. The unit would be smaller than the other six units within the cul de sac, but in the immediate surrounding area, there is a wide variety of dwelling and plot sizes, including smaller units adjoining larger units. The unit would be in residential use which would respect the predominant use within and the character of the local area.
6. I am satisfied that there would be no material effect on the character and appearance of the local area. There would be no conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) (Core Strategy) and Policies DP7 and DP12 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (Local Plan) and the National Planning Policy Framework (Framework), all of which seek for development to respect the local context.

Issue b) Living Environment

7. There has been disagreement between the Appellant and the Council over the size of the unit, ranging from 43 sqm by the Council to 47.5 sqm by the Appellant. Although not adopted within the Council's development plan, I have had regard to the Technical housing standards – nationally described space standard and note that the dwelling would exceed the overall size standards for a one person unit but fall shortly below the standard for a two person x 1 bedroom unit.
8. I agree with the Council that it would not be possible or practical to seek to impose a condition to limit the occupation to a single person only. However, from my site visit and although an unusual shape internally, I was satisfied that the layout would offer a satisfactory living environment for future residents, both internally and externally.
9. The existing single storey annex has its own front door and a rear door to the garden; it has a fully fitted kitchen as part of the main room, with two separate rooms, one serving a fully fitted bathroom. There is light from windows facing to the front and to the rear serving the main room and a window to serve the second room which would be used as a bedroom. The rear garden would be small in size but usable, with direct access from the rear of the dwelling as well as a separate side access to the rear garden.
10. Given the presence of windows facing towards both the front and the rear, I do not agree with the Council that the dwelling would have a poor outlook. Taking all these factors together, I consider that it would provide an appropriate and satisfactory internal and external living environment.
11. Notwithstanding that the unit would be slightly below the National Technical housing standard for a 2 person 1 bedroom unit, I am satisfied that in the particular circumstances of this case, the unit would provide a satisfactory living environment for future residents. There would be no conflict with Policy DP7 and in particular Point 8 of the Local Plan and paragraph 127 f) of the Framework, both of which require a high standard of amenity for existing and future occupiers.

Issue c) Car Parking

12. I agree with the Council that the parking arrangements for the existing dwelling and proposed unit are not clearly shown in the submitted information. From my site visit, and the photographic evidence submitted I am satisfied that there is scope to accommodate the number of cars at the front of both the annexe and, if necessary, part of the frontage to the existing dwelling to serve both the existing dwelling and the new dwelling.
13. There is no highway safety issue raised but I agree that the provision of the appropriate number of parking spaces to serve the two dwellings should be considered, primarily to safeguard the character and appearance of the local area as well as the amenities of neighbours.
14. I noted at the site visit that within the cul de sac a number of other properties have given over more of their front garden areas to parking than at the existing property and I consider that this could be achieved whilst not reducing all the front garden soft landscaping to the existing house. This matter could be satisfactorily addressed by condition.
15. Subject to the imposition of an appropriate condition, I am satisfied that adequate parking could be provided for the existing house and proposed unit. There would be no conflict with Policy CSP12 of the Core Strategy and Policies DP5 and DP7 of the Local Plan in this regard.

Other Considerations

16. A number of comments from local residents have been raised in respect of the main issues which I have already addressed. There have also been comments received regarding the private ownership of the road between the existing six properties; this is not a planning matter and would need to be addressed separately. Similarly concerns regarding the impact on house values and boundary matters would need to be addressed separately.
17. I have noted that the Council cannot provide a five year housing land supply and this adds further weight in support of the development proposed, particularly as I have found it would be a sustainable development which would accord with the provisions of the development plan and the Framework.

Conditions

18. The Council has proposed a number of conditions in the event that planning permission is granted although a number of these have been phrased as though this were a new build development rather than the use of an existing building. I do not consider that there is any planning requirement to impose conditions related to materials, as the building already exists.
19. I do agree that, in order to protect the character and the appearance of the local area and the amenities of neighbours, as well as provide adequate parking, a condition relating to the approval of the details of the boundary treatments and the car parking provision for both the new unit and the existing house require to be approved but this should be approved and implemented prior to first occupation. I am satisfied from the submitted information that the land required for parking is within the control of the Appellant, albeit some of it would be outside of the application red line. Given the scale of the site

involving the subdivision of an existing residential curtilage, I do not consider that it would be reasonable or necessary to require further landscaping details.

20. The Appellants have demonstrated that they could comply with Policy CSP14 of the Core Strategy in respect of renewable energy and reduction in carbon dioxide emissions objectives, either through the use of photovoltaic panels or an air source heat pump. I agree that a condition should be imposed to require the appropriate provision to be implemented prior to occupation.
21. I have had regard to the advice in the Framework and the Planning Practice Guidance but in the particular circumstances of this case, given its small size and plot size, I agree that permitted development rights should be removed for extensions to the property, including roof extensions, (Classes A and B of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)), but that it would be unreasonable to remove all permitted development rights, including for sheds or other ancillary domestic structures. This condition is required to protect the character and appearance of the local area.
22. As the development relates only to a change of use, it is not necessary to impose a condition relating to carrying out the development in accordance with the submitted plans. The plans which have been provided and on which the application was and this appeal has been determined are referenced in the decision header.

Conclusion

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

L J Evans

INSPECTOR

Schedule of Conditions (Conditions 1 – 5)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to first occupation of the development hereby permitted, details of the car parking layout for the existing and new dwelling shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details prior to first occupation and thereafter retained for their intended use.
- 3) Prior to first occupation of the development hereby permitted, details of the proposed boundary treatments between the dwelling hereby permitted and the existing dwelling shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in

accordance with the approved details prior to first occupation and thereafter retained.

- 4) Prior to first occupation of the development hereby permitted, details demonstrating how the development would satisfy a 10% reduction of carbon emissions through renewable resources shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall be implemented prior to first occupation in accordance with the approved details and thereafter retained.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no extensions or alterations within Part 1, Classes A and B shall be carried out on the dwelling house hereby permitted or within its curtilage.