



Appeal Decision

Site Visit made on 27 September 2021

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2021

Appeal Ref: APP/M3645/W/20/3265111

Old Meldrum, Meldrum Close, Hurst Green RH8 9BY

- 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 N Davis against the decision of Tandridge District Council.
 - The application Ref TA/2020/1223, dated 30 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is erection of single storey detached two bedroom dwelling with green Sedum roof involving lowering ground levels and utilising existing secondary access serving current property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effects of the proposal on the character and appearance of the area, having particular regard to its proximity to Old Meldrum, a Grade II listed building;
 - b) whether it would provide satisfactory living conditions for future occupants in relation to outlook and provision of external amenity space.

Reasons

Character and appearance

3. The appeal site is part of the rear garden of Old Meldrum, a Grade II listed building. I therefore have a statutory duty to have special regard to the desirability of preserving its setting.
4. The significance of Old Meldrum is derived from its age and features as a 17th century timber framed building. As such it would have originally been built within a rural setting. Since the construction of the modern residential estate within Meldrum Close, this setting has become largely restricted to its garden but also includes from where it can be seen along the street. The open space to the rear of the house provides a clear visual separation between the listed building and its more modern surroundings. The fence along the footway serves to emphasise this separation and encloses the garden whilst retaining the sense of spaciousness at its rear.
5. The proposal would subdivide the rear garden significantly reducing its depth, even though a separation distance between the dwellings of 15m could be achieved. The introduction of the proposed dwelling, although single storey and partially sunk beneath the existing ground level would harmfully erode the spacious setting of the listed building. At present there are partial views of the rear of Old Meldrum from

the street above the close-boarded fencing. This fence would be partially removed to create the new access for the dwelling. The area in front of the new house would comprise hardstanding and parking spaces for two vehicles. There would be a new boundary between it and Old Meldrum some of which it is proposed would be in the form of a mixed hedge and the remainder a stone and brick wall. Although these features, and the single storey height of the proposed dwelling would allow more of the rear elevation of Old Meldrum to be seen, they would also interfere with the open and undeveloped space which currently exists. I consider this would also be harmful to the setting of the listed building.

6. Meldrum Close is characterised by two storey detached properties on modest sized plots. Those on the south-western side of the cul-de-sac are set along a clear building line sufficiently set back from the street to permit some parking to take place off-street. The existing dwellings have direct street frontage and modest rear gardens. In this context, siting the proposed dwelling to the rear of the appeal site would be at odds with the layout in the remainder of Meldrum Close. The dwelling would be a form of backland development which would appear to be shoe-horned into the rear of the site and set below ground to reduce its visibility. Its flat roof would add to the sense of incongruity with its surroundings rather than enabling it to integrate effectively with them. The proximity of the dwelling to its boundaries would fail to provide adequate space around the building and consequently make it appear out of proportion with both the size and shape of its plot. The layout would therefore be poor. The contemporary design and the single storey height of the building would not overcome the fundamental issues associated with the proposed layout.
7. I appreciate that the current proposal is an amended scheme following the dismissal of a previous appeal, Ref: APP/M3645/W/17/3171377. The reduced height of the building would ensure that views of Old Meldrum from along Meldrum Close would not be blocked in the way that would have occurred with a two-storey dwelling. However, although this would overcome the previous Inspector's concerns in relation to that matter, I have assessed the revised design and layout on its individual merits and found it to be unacceptable for the reasons set out above.
8. I conclude that the proposal would harm the character and appearance of the area and would fail to preserve the setting of Old Meldrum, a Grade II listed building. It would therefore be contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 (Core Strategy) and Policies DP7, DP8 and DP20 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan). These policies require development to respect its context, contribute to local distinctiveness and preserve or enhance heritage assets and their settings.
9. In terms of the revised Framework, the harm to the significance of the listed building would be less than substantial and should therefore be weighed against the public benefits of the proposal in accordance with paragraph 202. However, the harm in this case would not be outweighed by the benefits associated with providing one dwelling.

Living conditions

10. There would be two rooms at the rear of the proposed dwelling that would look out towards the site boundary which would be less than 1m away. Whilst the bedroom would also look out on the internal courtyard, the study, which is large enough to be occupied as a bedroom, would have no other outlook. As the dwelling would be built below existing ground level both these rooms would experience a sense of enclosure.

11. The dwelling would not have a traditional garden. However, an internal courtyard of 25 sq.m. would give a small area where it would be possible to sit outside. Due to it being sunken it would receive limited amounts of daylight or sunlight and would feel enclosed. The external space would therefore not only be smaller than would normally be provided to serve a 2 or 3-bedroom house but would also be poor quality. With at least 2 and possibly 3 bedrooms it would be possible for the dwelling to be used as a family home. I acknowledge that the courtyard would provide space for a table and chairs, enabling future occupants to eat outside. However, it would not provide them with a pleasant outdoor space in which they could undertake other outdoor activities or children could play.
12. I therefore conclude that the proposal would fail to provide satisfactory living conditions for future occupants, due to lack of outlook and inadequate external amenity space. It would conflict with Policy DP7 of the Local Plan which requires development to provide appropriate facilities, including garden areas, that are proportionate to the size of the unit and appropriate for the intended occupiers. It would also fail to accord with the Framework's objective of providing a high standard of amenity for future users of development. Policy CSP18 of the Core Strategy is not relevant to my assessment as it primarily concerns the protection of neighbouring occupants.

Other Matters

13. The appellant provided a statement setting out ways in which the dwelling could be constructed and heated to ensure thermal efficiency and reduced energy consumption. If the development had been acceptable in all other respects, I would have sought the views of the parties on whether the Council's concerns in relation to this matter could have been addressed through the imposition of an appropriate condition to ensure compliance with the development plan. However, as I am dismissing the appeal for other reasons, this has not been necessary.

Planning Balance and Conclusion

14. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged.
15. However, in this case the application of policies in the Framework that seek to protect heritage assets, referred to in footnote 7 to paragraph 11 d) i), provide a clear reason for refusing the development. In addition, I have found that the proposal would fail to provide satisfactory living conditions for future occupants. The presumption in favour of sustainable development therefore does not apply to the appeal scheme.
16. I conclude that the proposal conflicts with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise.
17. For the reasons set out above, appeal is dismissed.

Sheila Holden

INSPECTOR