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# Appeal Decision

Site visit made on 13 December 2021

**by Martin Chandler BSc, MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 January 2022**

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**Appeal Ref: APP/M3645/W/21/3273342**

**83 Harestone Hill, Caterham CR3 6DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Craig Brown against Tandridge District Council.
  - The application Ref TA2021/73, is dated 12 January 2021.
  - The development proposed is detached house with detached garage on land to rear of 83 Harestone Hill, Caterham.
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## Decision

1. The appeal is dismissed, and planning permission is refused.

## Main Issues

2. The appeal is a result of the Council failing to determine the application within the prescribed time limit. However, based on the evidence before me, the main issues are:
  - i) the effect of the proposal on the living conditions for the occupants of neighbouring properties; and
  - ii) the effect of the proposal on the character and appearance of the area.

## Reasons

### *Living Conditions*

3. The appeal site constitutes a parcel of land to the rear of the established line of houses which front onto Harestone Hill. The site forms part of the private amenity space of No 83 and the garden is laid out in tiers which reflect the topography of the site. Due to the topography, the proposed dwelling would be situated at a substantially higher level than the houses which form the frontage development.
4. The proposal would introduce a two-storey dwelling, the massing of which would echo the tiers of the appeal site. It would have a flat roof and the top storey would be set back from the front of the dwelling. Due to the elevated nature of the site and proposal, the layout of the dwelling would seek to limit the use of windows which look towards the existing houses on Harestone Hill, as well as towards the neighbouring gardens. At ground floor, the only openings which would face the existing houses would serve the main entrance and associated hallway. At first floor level, three windows would be located on the front elevation, two of which would serve bedrooms and one which would

serve a landing area, and the only openings in the flank elevations of the first floor would serve en-suite bathrooms.

5. Despite the deliberate design choices that have been taken, the sheer elevated height of the proposal would be such that the dwelling would be highly visible from both neighbouring gardens as well as No 83 itself. Substantially elevated views could be achieved from the property, and the dominant presence of the two-storey dwelling would loom over neighbouring gardens. Due to the elevated position and presence of the proposal, in my judgement, the dwelling would have a substantially imposing effect when viewed from the neighbouring properties. This would cause demonstrable harm to the privacy currently experienced by existing occupants, as well as No 83, particularly within their associated garden spaces. This is despite the presence of substantial tree cover and the use of boundary enclosures. On this point therefore, despite the changes from the previous scheme, in my view, the concerns of a previous Inspector<sup>1</sup> regarding a sense of being 'under surveillance' remain. This represents a fundamental concern with the proposal.
6. Accordingly, I conclude that the proposal would harm the living conditions for the occupants of neighbouring properties. It would therefore fail to accord with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS), Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (LP), and guidance contained within the Harestone Valley Design Guidance Supplementary Planning Document (2011) (SPD). Taken together, these seek development which would not significantly harm the amenities of the occupiers of neighbouring properties.

#### *Character and appearance*

7. The appeal site is located within a residential environment which is characterised by large, detached properties set within generous gardens. The road is dominated by mature landscaping to the front of properties, and when this is combined with the grain of development, the area benefits from a verdant and spacious character, to which the appeal site contributes.
8. As identified above, the appeal site slopes substantially upwards towards the location of the proposed dwelling. Consequently, the proposal would be situated significantly higher than the houses which front onto Harestone Hill. Properties located in similar backland locations can be perceived from within the appeal site, however, views are mainly glimpsed and their presence does not detract from the verdant and spacious qualities identified above.
9. Due to the siting of the proposal, it would occupy a commanding presence beyond the established building line. It would be elevated above existing dwellings and consequently, would represent an imposing building within the immediate surroundings. It would have a highly conspicuous presence that would cause demonstrable harm to the important attributes of the appeal site and its surroundings. The proposal would not be particularly visible from the main highway and I note that it has been reduced in bulk, mass and scale from that previously dismissed. In addition, I note the design seeks to integrate with the topography, consistent with guidance within the SPD. However, when moving beyond the building line, the proposal would represent an anomalous form of development in an elevated location. It would therefore be a

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<sup>1</sup> APP/M3645/W/19/3225606

prominent, imposing, and dominant building that would be significantly at odds with the prevailing pattern of development.

10. The proposal would also introduce a vehicular access which would alter the existing driveway for No 83. Although an element of subdivision would likely become apparent, areas to the front of houses on the road vary in appearance and form. In my judgement, subject to sensitive landscaping, the revised access arrangements need not harm the established character and appearance of the area. However, this does not alter the concerns identified above.
11. Accordingly, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with the requirements of Policy CSP18 of the CS, Policies DP7 and DP8 of the LP, Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbouring Plan (2021), and guidance within the SPD. Taken together, these seek amongst other things, high quality design which integrates effectively with its surroundings.

### **Other Matters**

12. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, the presumption in favour of sustainable development, as described in Paragraph 11 of the National Planning Policy Framework is engaged. This states that where policies which are most important for determining proposals are out-of-date, 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.
13. In terms of benefits, the proposal would make a small contribution to local housing supply. It would also bring with it energy efficiencies, as well as the possibility of a net gain in biodiversity. Economically, the proposal would generate construction jobs as well as introduce some limited additional expenditure into the local economy. These matters all weigh in favour of the appeal, however, due to the small scale of the proposal, the weight I attach to them is limited.
14. Set against this, the harm that would be caused to the living conditions of neighbouring properties is a matter of fundamental concern to which I attach substantial weight. The effect of the proposal on the character and appearance of the area also weighs against the appeal. Cumulatively, I am entirely satisfied that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal. Accordingly, the development should not benefit from the presumption in favour of sustainable development.

### **Conclusion**

15. For the reasons identified above, the appeal is dismissed, and planning permission is refused.

*Martin Chandler*

INSPECTOR