



Appeal Decision

Site visit made on 14 March 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/M3645/W/21/3281648

Clearway Court, 139-141 Croydon Road, CATERHAM, CR3 6PF

- 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 Tony Lyons of TISL Holdings Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2021/872, dated 6 May 2021, was refused by notice dated 19 August 2021.
 - The development proposed is construction of third floor to create 1 x one-bedroom and 5 x two-bedroom flats and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been subject to a refused planning permission (Council Ref: 2019/275) and subsequent appeal (Appeal Ref: APP/M3645/W/20/3256607) for a similar proposal described as the extension to the roof of the building to create a third floor. That appeal was dismissed. I note that the Inspector found the height and roof of that proposal to be acceptable. However, that proposal incorporated a different form of roof design to that of the proposal before me. For the purposes of clarity I have considered the proposal, the subject of this appeal, on its own merits.

Main Issues

3. The main issues raised in respect of this appeal are the effect of the proposed development on: -
 - a) The character and appearance of the host property and the area; and
 - b) The living conditions of future occupiers.

Reasons

Character and appearance

4. There is a wide variety of types and styles of property along Croydon Road that creates a street scene of diverse appearance. I note that the previous Inspector commented that there is considerable variety to the building sizes and roofscapes, particularly to the south of the appeal property. I saw that the

roof forms vary, but in the main, they are pitched by design. This includes those larger developments at this part of Croydon Road.

5. The proposal seeks to create an additional storey to provide residential accommodation within it. This additional storey would be of a mansard roof type design. Although it would not substantially increase the height of the building, the roof form would be very different to that of the existing roof designs in the locality.
6. The proposal would be a bulky addition at the top of the development and be of a design form that would give the building an unfortunate top-heavy appearance. The proposal would not be a visually sympathetic addition to the property, nor would it be a visually attractive roof form. As such, it would appear as a visually harmful addition to the host property.
7. This is a large building that projects forward of those buildings either side of it. It is also of some considerable depth. The size and design of the roof addition would not visually improve the appearance of the existing building or visually improve the character of the street scene or area generally. The property is clearly visible in public views from Croydon Road, particularly as it is sited at a high point on Croydon Road. As you approach the site the entire depth of the northern roof elevation would be visible on the southerly approach along Croydon Road. Given much of the development would be clearly visible, the harm to the appearance of the host property would have a detrimental visual impact to the street scene and the wider surrounding area.
8. There are examples of large developments of 3 and 4 storey height, to which I have been directed and that I saw at my visit. The resulting development would be a 4 storey building. However, those examples referred to me host, in the main, pitched roofs. The roof form of the proposal would contrast with the general pitched roof forms at this part of Croydon Road and, therefore, would not be directly comparable to those existing developments by reason of its design. Whilst the development in the environs of the appeal site is varied, for those reasons given above, I do not consider the proposal would visually assimilate successfully within the context of the development surrounding the appeal site.
9. I have been directed to other examples of mansard type roof designs within and closer to the commercial centre of Caterham. I accept that this is not an untypical roof design within the wider area and within walking distance of the appeal site. However, those examples are not within the immediate context of the site and this reduces the weight that can be attributed to those developments to justify the proposal.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the area. The proposal would, therefore, conflict with Policy CSP18 of the Tandridge District Core Strategy, Policy DP7 of the Tandridge Local Plan (the Local Plan), Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and the Framework. These policies seek, amongst other matters, development to be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness and that require development to integrate well with its surroundings. The Framework does not prevent or discourage appropriate innovation or change, but it requires development to be

sympathetic to local context, and I have not found this to be the case in respect of this proposal.

11. Prior approval is in place for the conversion of the building to residential under the terms of the General Permitted Development Order (Council Ref: TA/2020/970). However, I have no evidence that would indicate a clear intention by the appellant to implement this approval. Furthermore, even if prior approval is in place to convert the building to residential use, this does not make the proposal more acceptable, nor does it outweigh the harm that I have identified above. I therefore attached little weight to the existence of that prior approval.

Living conditions

12. The proposal would create respective direct outlook between the only windows serving bedrooms within flats 1 and 2 and flats 5 and 6. Local Plan Policy DP7 refers to a minimum privacy separation distance of 22m where windows serving habitable rooms would be within direct alignment. The appellant indicates that the distance between the bedroom windows would meet this requirement. The Council contends that this is a minimum requirement and that the distance may need to be increased where sites are sloping, which is the case here. However, on the evidence available to me, I do not consider the sloping nature of the site would alter the site circumstances to such a degree that would result in significant harmful respective observation of internal living spaces.
13. The habitable rooms within the accommodation would either feature obscure glazed windows or outlook provided by recessed balconies. Indeed the southerly outlook from the kitchen/dining/living area relating to flats 3 and 4 would be particularly poor given the windows to this elevation would be obscure glazed. Notwithstanding this, these open plan living spaces would have dual aspect as there would also be recessed balcony doors/windows in the north elevation and it would be possible to see out of these doors/windows.
14. The open plan kitchen/dining/living areas of flats 3 and 4 are internal living spaces where the occupiers would spend a significant part of their time. Although some outlook could be gained from the balcony doors/windows this would be limited given they would be recessed. The obscure glazed windows would provide no outlook. Occupiers would be extremely likely to experience an overwhelming sense of confinement and detachment from the outside world. The lack of meaningful outlook to the surrounding environment would create an unpleasant and uninviting environment in which to spend time. Consequently, this would not create a high quality and satisfactory living environment for future occupiers.
15. For this reason, I conclude that the proposed development would be harmful to the living conditions of future occupiers. The proposal would, therefore, conflict with Policy DP7 of the Local Plan that seeks, amongst other matters, development to safeguard amenity, by providing a satisfactory environment for the occupiers of both the existing and new development.

Other Matters

16. The Council cannot demonstrate a 5-year supply of deliverable housing sites. Given there is not a 5-year supply of deliverable sites in place, the provisions of paragraph 11d) of the Framework should be applied.
17. I have found that the proposal would be harmful to the character and appearance of the area and the living conditions of future occupiers. This brings the proposal into conflict with the development plan when read as a whole.
18. Set against the harm identified is the contribution that 6 dwellings would make to housing provision within the district. However, this would make little difference to the overall supply of housing and the support 6 extra households would provide to the local economy would also be minimal.
19. The housing development in the district is constrained and there may be a requirement for new homes to come forward in the Green Belt. Whilst the proposal might go some way to reducing the need to release the Green Belt for development, there is no clear evidence that would indicate that this would be the case that might offer support for the proposal.
20. Consequently, the harm that I have identified to the character and appearance of the area and the living conditions of future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply

Conclusion

21. The proposal would conflict with the development plan as a whole. There are no other considerations, including the provision of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Nicola Davies

INSPECTOR