



Appeal Decision

Site visit made on 18 February 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 12 April 2022

Appeal Ref: APP/M3645/W/21/3280579

Land south of 5 Sylvan Close, Limpsfield, Surrey RH8 0DX

- 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 Simon Hughes against the decision of Tandridge District Council.
 - The application Ref.TA/2020/2275, dated 22 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is the construction of a new detached dwelling, garage, driveway and highway crossover.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new detached dwelling, garage, driveway and highway crossover at Land south of 5 Sylvan Close, Limpsfield, Surrey RH8 0DX, in accordance with the terms of the application, Ref.TA/2020/2275, dated 22 December 2020, subject to the Schedule of Conditions at the end of this decision letter.

Application for Costs

2. An application for costs was made by Mr Simon Hughes against Tandridge District Council. This application is the subject of a separate decision.

Procedural Matter

3. In relation to on-site parking, the Appellant has revised the Site Plan (Revised Plan number D 0 030 P7) and submitted it as part of the appeal documentation. Given the minor changes and the nature of third party representations, I am satisfied that no one is prejudiced by this plan being treated as a submitted application plan and I have determined the appeal accordingly.

Main Issues

4. The main issues in the appeal are the effect of the proposed development on the character and appearance of the area, and whether the proposed garage parking spaces would provide sufficient space as parking spaces.

Reasons

Character and appearance

5. The site is located to the north side of Westerham Road within the urban area of Limsfield and comprises garden land formerly associated with 5 Sylvan Close to the north. The site has a significant drop in land sloping quite steeply from the southern boundary with Westerham Road, rising quite steeply to the north and east. Timber close boarded fencing marks the southern and eastern boundaries. The north boundary is part enclosed by timber fencing and partly demarcated by an outbuilding to 5 Sylvan Close. Planning permission has been granted (ref: TA/2021/218) on the adjoining site to the west (known as Priest Hill House) for 1 x three bedroom and 2 x five bedroom dwellings with detached garages and a new access road from Westerham Road. The appeal site is close to Green Belt land but it is not itself within the Green Belt.
6. The surrounding area is residential in character with dwellings of varied form and design in the locality.
7. Planning permission is sought for a large new detached dwelling on the land. There are two extant planning permissions (2019 and 2020) for a detached dwelling on the site with access off Westerham Road. In essence, the appellant seeks permission for a larger dwelling than has already been granted planning permission, with a balcony at the front at first floor level. In terms of volume, the proposed dwelling would be about 9.7% greater than the 2019 extant scheme and about 15.6% greater than the 2020 extant scheme.
8. Amongst other things, the Council is concerned about the dense massing of the dwelling and the lack of subservient elements when viewed from Westerham Road. The contemporary approach includes a front gable element which is lower than the main bulk of the building. There is an integral double garage and a first floor balcony facing the road.
9. Whilst the massing is compact, I consider it to be acceptable. There would be two gable elements at the front with the western gable standing back to facilitate a balcony at first floor level. The property would have thoughtful detailing on all sides to create visual interest with stock facing bricks above a brick plinth, complemented by stone surrounds to the windows and to the gable walls. There would be timber elements for the doors and to the terrace. There would be sufficient articulation, glazing and interest to mitigate the bulk and compact massing.
10. Furthermore, in common with many other existing properties on the northern side of Westerham Road, the dwelling would sit well below the highway and the upper storey and roof would only be partially visible within the street scene. To the east Bower Bungalow is a single storey dwelling in a large plot and reflects the fact that there are varied styles of dwelling in the immediate area. Owing to the separation between the two buildings, the topography, the concealed nature of, at least, the ground floor element of the proposed dwelling, and the intervening mature trees and vegetation, the proposal would not generally be viewed together with Bower Bungalow. I do not consider its relationship and juxtaposition with Bower Bungalow would warrant refusal of the proposal.
11. The proposed first-floor balcony provides a subservient element to the front elevation and given that there are several detached properties in the wider area

with balconies, it would not be an incongruous feature of the proposal in this location.

12. Given that there would be usable amenity space to the west of the dwelling to capitalise on the westerly aspect and compensate for the lack of a south-facing garden and sunken nature of the plot, I do not consider that the rear garden amenity space is too small.
13. On this first main issue, I conclude that the proposal would not harm the character or appearance of the area. It would not conflict with policy CSP18 of the Tandridge District Core Strategy 2008 or policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 or the policies of the Limpsfield Neighbourhood Plan.

Parking Spaces

14. As a reason for refusing planning permission the Council highlight that the proposal seeks to provide two of the requisite three parking spaces on the site as garage spaces and argue that those spaces fail to conform to the Tandridge Parking Standards Supplementary Planning Document (2012) 'SPD' in respect of their size, in particular the width. The size of a garage space is defined as: minimum garage size for cars 7.0m x 3.0m or 5.5m x 3.6m (internal dimension). It goes on to state that garages of this size and over are considered large enough for the average sized family car and cycles, as well as some storage space.
15. The internal dimensions of the proposed garage are not agreed between the parties but they are in the region of 5.5m (width) x 6.15m (length). However each of the spaces within the garage would measure 2.4m x 4.8m and this is the requirement in the SPD in paragraph 5.3 footnote 4 and paragraph 5.7.1. Whilst the internal dimensions of the garage lack width, the garage would be slightly longer than the minimum and the SPD envisages that the "internal dimensions" size caters for some storage space and some cycle storage. I am satisfied therefore that the proposed garage would, in this case, be adequate for two car parking spaces.
16. The SPD requirement for a 4+ bedroom house on a single house plot that is functionally isolated from any other dwelling is three spaces in my view. The Appellant has submitted a revised site plan which shows two garage spaces and a parking space on the hardstanding/access way. Concern has been raised in relation to the manoeuvring space available to cars so that they can leave the appeal site in a forward gear. I am satisfied that this is possible from the three spaces shown and I do not consider the manoeuvring would be excessive.
17. The County Highway Authority has raised no objections to the scheme subject to the imposition of conditions pertaining to the access, parking and electric charging facilities.
18. On this issue I conclude that the proposed garage parking spaces would provide sufficient space as parking spaces and that the proposal would not be contrary to the objectives of the NPPF or policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Other Matters

19. I have considered the potential for trees on the site or within about 12 metres of its boundaries to be damaged during the construction phase and I am satisfied that the potential for such damage can be controlled by a suitable planning condition.

Conditions

20. The Council suggested a number of conditions to ensure that the development would be acceptable in the event that the appeal was allowed. I have considered those conditions and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans and the Carbon Reduction Report as this provides certainty. Revised site plan D 0 030 P7 is referred to in condition 2.

21. A condition requiring details of the external materials to be submitted is necessary in order to protect the character and appearance of the area although it is more appropriate that the approval should occur before the development of the dwelling rises above ground level, rather than before any development of the dwelling commences.

22. In order to prevent damage to trees and safeguard amenity, I have attached a condition requiring a Tree Protection Plan and Arboricultural Method Statement, relating to all stages of development to be submitted to and approved by the Local Planning Authority and to be observed. I have also attached a condition which would ensure there was a Construction Transport Management Plan in force to protect residential amenity and highway safety. Similarly for highway safety reasons there is a condition aimed at turning area retention so that vehicles can leave the site in a forward gear. In order to support the reduction of carbon emissions, there is a condition requiring a fast charge socket to be provided and retained. To protect biodiversity, there is a condition securing the development in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Appraisal by KB Ecology dated 16th December 2020. In respect of conditions 9 and 10, in the light of the size of the particular dwelling before me and the plot size available after development, I consider there are the necessary exceptional circumstances for removing permitted development rights to enlarge the dwelling and to construct outbuildings in the curtilage.

Conclusion

13. I consider the proposal to be in accordance with adopted policy in the statutory development plan and there are no material considerations that indicate other than permission should be granted. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas Q.C.

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall commence not later than the expiration of 3 years from the date of this permission.
2. This decision refers to plans numbered D0 0 010 Rev P2, D0 0 020 Rev P4, D0 0 030 P7, D0 0 040 P2, D0 0 100 P6, D0 0 101 P5, D0 0 102 P3, D0 0 200 P4, D0 0 201 P3, D0 0 300 P2, 501-P05 and 550-P02. The development shall be carried out in strict accordance with these approved plans and the Carbon Reduction Report submitted with the application.
3. No development above ground level of the dwelling hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
4. No development shall start until a Tree Protection Plan and Arboricultural Method Statement, relating to all stages of development, for the protection of all trees and hedges to be retained on site or trees located offsite within 12 metres of the site boundary, has been submitted to and approved in writing by the Local Planning Authority. These details shall observe the principles of BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the Local Planning Authority. In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority: a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches. b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees. c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
5. 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) storage of plant and materials (d) measures to prevent the deposit of materials on the highway (e) before-and-after-construction condition surveys of the highway and a commitment to fund the repair of any damage caused (f) on-site turning for construction vehicles, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Transport Management Plan.
6. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with plan number D0 0 030 P7 for vehicles to be parking and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
7. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and

approved in writing by the Local Planning Authority. Thereafter the fast charge socket shall be retained and maintained in working order.

8. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Appraisal by KB Ecology dated 16th December 2020.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwelling hereby permitted shall be carried out without the express permission of the Local Planning Authority.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the Local Planning Authority, other than shown on the approved plans.