



Appeal Decision

Site visit made on 5 April 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/M3645/D/21/3280906

24 Eothen Close, Caterham, Surrey CR3 6JU

- 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 Lee against the decision of Tandridge District Council.
 - The application Ref TA/2021/627, dated 30 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is loft conversion incorporating rear dormer and front velux windows. Ground floor porch.
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Decision

1. The appeal is dismissed insofar as it related to the rear dormer. The appeal is allowed insofar as it related to front velux windows and a ground floor porch and planning permission is granted for front velux windows and a ground floor porch at 24 Eothen Close, Caterham, Surrey CR3 6JU in accordance with the terms of the application, Ref TA/2021/627, dated 30 March 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Insofar as relevant to those parts of the development permitted, the development shall be carried out in accordance with the following approved plans: red lined site location plan, proposed floor plans, and, elevations.
 - 3) The materials to be used in the construction of the external surfaces of the ground floor porch hereby permitted shall match those used in the existing building.

Procedural Matter

2. I have had regard, and in accordance with paragraph 30 of the National Planning Policy Framework (the Framework), to the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2018-2033, made 24 June 2021, (CCWNP) which the Council provided as part of the appeal documents.

Main Issue

3. The main issue is the effect of the proposed rear dormer on the character and appearance of the host property and the area.

Reasons

4. The appeal relates to a detached dwelling located within a cul-de-sac of mixed uses, including dwellings, a pharmacy and offices, close to the edge of Caterham town centre. The residential properties are positioned to the eastern side of Eothan Close and are similar in their scale and character, being two storey detached properties with similar materials and architectural features. The appeal site and surrounding buildings on Eothan Close are also covered by a Tree Preservation Order.
5. Despite there being a boundary fence, several trees and landscaping at the back of the site, the rear roof slope of the appeal property is visible from Clareville Road due to the topography of the area. The proposed rear dormer, due to its elevated position on the roofslope would be clearly discernible in those views, particularly during the winter months when vegetation and tree cover would be sparse. Although the proposed dormer extension would allow areas of the roofslope to be retained, it would sit at a high level on the roofslope and extend from the main ridgeline resulting in a dominant extension to the roof.
6. Furthermore, the design of the dormer would include gable features above the windows with two recessed sections between and, due to the limited set back of those recesses, this would do little to break up the massing of the dormer. This would provide large areas of flat roof between, creating a complicated design at odds with the simplicity of the host property. In combination, I find the scale, form, bulk and design of the proposed dormer would fail to respect the character and appearance of the host property and those other properties within the cul-de-sac.
7. For the reasons given above, I conclude that the rear dormer would cause harm to the character and appearance of the host property and the area. It would conflict with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2019, 2014. Together these policies require high quality design which reinforces local distinctiveness. There is also conflict with Policy CCW5 of the CCWNP, which similarly requires development to preserve and enhance local character.
8. In the absence of substantive evidence regarding which Character Area the appeal site lies within, I cannot be certain the proposed dormer would be in conflict with Policy CCW4 of the CCWNP. Nevertheless, this does not outweigh the harm I have identified above in respect of character and appearance and the conflict with the other relevant policies of the development plan.

Other Matters

9. The Council have raised no objection to the proposed porch and front velux windows. These are modest and sensitively designed additions to the property. I therefore find no harm to the character and appearance of the host dwelling and the surrounding area in respect of these elements of the proposal. As the proposed rear dormer, the velux windows due to their position in the existing front roofslope, and the porch are clearly severable, both physically and functionally, I consider a split decision would be a logical outcome.

10. I have had regard to the issues raised by third parties, in particular the impact on privacy of the houses behind on Clareville Road. The Council raised no objections and due to the distance of separation between the dormer window and those properties, I have no substantive evidence to support those concerns.
11. The appellant has referred to the necessity of the 1997 planning condition and removal of permitted development rights at the property. However, within the context of this s78 appeal the matter of validity of the condition, whether this should be removed or varied is not within my jurisdiction.
12. I have had regard to the examples of nearby developments provided by the appellant, which include roof level extensions and alterations. However, on the basis of the information provided I consider these differ from the appeal scheme in their design and relationship to public viewpoints. I do therefore not find those cases to be directly comparable. I acknowledge the appellants' desire to enlarge the family house. However, these matters do not outweigh the concerns I have raised above.

Conditions

13. I have considered the conditions put forward by the Council and I have had regard to the advice in Planning Practice Guidance and the Framework. In addition to the 3 year time limit, I have imposed a condition requiring compliance with the supporting plans in the interests of certainty and also a condition requiring that the external materials of the porch match the host property to preserve the character of the building and the area.

Conclusion

14. There are no other material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the velux windows and ground floor porch, but dismissed insofar as it relates to the rear dormer.

C Shearing

INSPECTOR