



Appeal Decision

Site visit made on 5 July 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/M3645/W/21/3284624

Little Paddock, Rockfield Road, Oxted RH8 0EJ

- 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 S Burchell of St Facilities Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2021/980, dated 21 May 2021, was refused by notice dated 19 August 2021.
 - The development proposed is erection of a two-storey detached dwelling with roof accommodation and integral garage; and formation of new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two-storey detached dwelling with roof accommodation and integral garage; and formation of new vehicular access at Little Paddock, Rockfield Road, Oxted RH8 0EJ in accordance with the terms of the application, Ref TA/2021/980, dated 21 May 2021 and the plans submitted with it, subject to the conditions in the schedule below.

Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

3. The appeal site is located within the defined Urban Area of Oxted. The area is residential and Rockfield Road is characterised by large houses of varying character set back from the road within generous plots. Front boundaries comprise predominantly hedgerows and mature trees which, together with the generous plot sizes, create a spacious and verdant character to the street. These characteristics are shared with Uvedale Road.
4. There is variation in the size and widths of the plots on Rockfield Road, and also in the scale of development on those plots. Some properties on the western side of the road, for example, have single storey side extensions or detached outbuildings which partially infill the gaps between the properties to varying degrees. Little Whispers, which neighbours the appeal site to the south, occupies a smaller plot and has a greater extent of hard landscaping features to its front elevation compared to the majority of others on the street.
5. While the gaps between the proposed dwelling and its neighbouring properties would be less than some of the others in the area, given the variation in the size and nature of gaps within the street, I do not consider that the size of the

proposed gaps would appear incongruous or out of character with the surrounding area. The proposed hipped roof forms to the sides of the building, together with the inclusion of opportunities for planting to the front and sides of the site, would also facilitate the appreciation of the gaps when viewed from the street. The proposed bulk and scale of the proposed development, in combination with the appropriate gaps and opportunities for mature landscaping, would result in the appeal scheme adequately respecting those attributes that contribute positively to the character and appearance of the area.

6. While the resulting plot size of the proposed dwelling would be smaller than that of several others on this part of Rockfield Road, I do not have substantive evidence to suggest that this would, in itself, cause harm to local character. The depths of the plots is not widely perceivable from the street, rather it is the relationship of the properties on the street and their mature soft landscaping which contribute primarily to the spacious and verdant character. For the reasons above, as the relationship of the proposed property with the neighbouring houses and boundaries would be acceptable, I do not find the change to the plot size in itself would cause harm.
7. The existing trees and foliage on the appeal site are prominent in views when emerging from the junction with Uvedale Road. Furthermore the cluster of trees on the appeal site and adjacent to the junction contribute positively to the character of the area. The proposal would retain that cluster, and an area capable of accommodating mature landscaping would exist at the front of the site, further assisting the integration of the proposed development into its surroundings.
8. For these reasons, the proposal would maintain the spacious and verdant qualities of the surrounding area and I find that it would not cause harm to the character and appearance of the area. The proposed development would comply with Policy CSP18 of the Tandridge District Core Strategy 2008 which, among other things, requires new development to reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. The proposed development would also comply with Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014 insofar as they require development to integrate effectively with its surroundings and permit residential garden land development in settlements including Oxted, subject to criteria. The development would adhere to the design objectives set out in the National Planning Policy Framework (the Framework).

Other Matters

9. The Council accepts that it does not have a 5 year supply of land for housing. As I have found that the application of policies in the Framework do not provide a clear reason for refusing the proposed development, and as I have not found there to be any adverse impacts of granting planning permission, the provisions of paragraph 11d) of the Framework require that planning permission should be granted.
10. In the absence of substantive evidence to demonstrate that the appeal scheme would cause conditions prejudicial to highway safety, I do not find that it would be likely to materially increase the risk of accidents on the highway. I also note that this matter was considered by the Council and their assessment of this

issue was informed by comments by the Highway Authority. Matters relating to the need for signage and traffic calming measures fall outside the scope of this appeal, particularly as I have found that these are not necessary to make the appeal scheme acceptable.

11. While noise would be inevitable during the construction process, this would be for a limited period. Neither do I have reasonable evidence to demonstrate that noise generated by the new house, once complete, would result in significant noise disturbance.

Conditions

12. While the Council have not provided a list of recommended conditions, I have considered those discussed within the Council's officer report. I have considered these in light of the Planning Practice Guidance (PPG).
13. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans to provide certainty for the parties. To ensure pedestrian safety at the point of the access, a condition is imposed to secure appropriate visibility splays. Cycle storage is also secured to promote sustainable means of transport.
14. To retain the privacy of neighbouring occupiers, a condition is imposed to restrict the outlook from the first floor windows in the side elevations closest to the boundaries. In light of the distance of the other windows from the northern site boundary, and as they provide secondary sources of outlook, I do not consider it necessary that the condition covers additional windows or rooflights. Similarly, the master balcony is set back from the boundary and outlook to the north would be at oblique angles only. I do not therefore find an additional privacy screen to that balcony to be necessary to make the development acceptable in planning terms.
15. In the interests of the character and appearance of the area, a condition is necessary to ensure the retained trees are appropriately protected. This should be a pre commencement condition to ensure protection for the duration of the construction period. For ecological reasons, biodiversity mitigation and enhancements are also conditioned in accordance with the submitted details, similarly some of these measures relate to the construction period and should be in situ at that time. To ensure use of renewable energies full details of the proposed photovoltaic panels are also secured.
16. I do not consider that conditions requiring the delivery of the off street parking areas and the access meet the tests of necessity, as they are shown on the approved plans and are integral to the development. Similarly, given the extent of soft landscaping to be retained and the landscaping shown on the plans, I do not consider further details of soft landscaping to be necessary. As the requirement for an electric vehicle charging point now falls under separate Building Regulations legislation, a condition requiring this is also unnecessary.

Conclusion

17. For the reasons set out above, the appeal scheme would accord with the development plan and there are not other considerations which outweigh this finding. Accordingly, the appeal is allowed.

C Shearing

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P002, P003, PA004, PA005, PA006, P007, P008, P009, PA100, PA101, PA102, PA103, PA200, P201, P205, P206, P207, P208, P300, P400, P402, P403A, P404, P402A, P500, P501, P502, S20/7576/01, S20/7576/02.
- 3) Prior to the first occupation of the new dwelling, pedestrian visibility splays of 2m x 2m (measured from the back of the footway and the widths outwards) shall be provided at either end of the point of access onto Rockfield Road, with no obstructions above 0.6m from the level of the carriageway. Those splays shall be so maintained at all times.
- 4) Prior to the first occupation of the new dwelling, cycle storage facilities shall be installed to the site. They shall be maintained and available for use at all times.
- 5) The first floor windows in the side elevation shown on drawing PA101 to serve 'Double Bedroom 03' and 'Master Dressing' shall be obscure glazed in full and fixed shut unless the opening parts of the windows are more than 1.7m above the internal floor level. They shall be maintained as such at all times.
- 6) Prior to the commencement of development, including any demolition and ground clearance, tree protection measures shall be installed to the site in full accordance with those measures detailed in the Arboricultural Method Statement by David Archer Associates dated May 2021. Those protection measures shall remain in situ, and in accordance with those details until all construction works are complete.
- 7) The development shall be carried out in accordance with the mitigation measures detailed within section 5 of the Preliminary Ecological Appraisal by David Archer Associates dated April 2021. Within 6 months of the first occupation of the new dwelling, the biodiversity enhancements detailed in section 5.2 of that report shall be installed in full.
- 8) Prior to the first occupation of the new dwelling, full details of the photovoltaic panels to be installed to the roof shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be installed in accordance with the approved details within 6 months of their approval and shall be so maintained.