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## Appeal Decision

Site visit made on 25 July 2022

**by Adrian Hunter BA(Hons) BTP MRTPI**

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

**Decision date: 22 August 2022**

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**Appeal Ref: APP/M3645/W/21/3288150**

**Land to rear of 180 to 188 Croydon Road, Caterham, Surrey CR3 6QF**

- 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 Rob Turner of Turnbull Land against the decision of Tandridge District Council.
  - The application Ref TA/2021/1414, dated 28 July 2021, was refused by notice dated 26 October 2021.
  - The development proposed is the erection of three terraced houses (comprising 2x4 bed and 1x3 bed), with associated access and parking.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Rob Turner of Turnbull Land against Tandridge District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. In the interests of precision and clarity, I have taken the site address from the Council's Decision Notice.

### Main Issues

4. The main issues in this appeal are:
  - The effect of the proposed development upon the character and appearance of the area;
  - The effect of the proposed development upon the living conditions of surrounding residents, in particular from loss of privacy, overbearing and overpowering impact;
  - Whether the proposed development makes adequate provision for car parking and would lead to the displacement of existing on-street parking provision to the detriment of existing residents; and
  - Whether the proposed development would have an adverse effect upon biodiversity.

## Reasons

### *Character and appearance*

5. The appeal site comprises an area of open, undeveloped land, to the rear of 180 to 188 Croydon Road. The appeal site also has a boundary with Beechwood Gardens. The surrounding area is predominately residential. Properties along Croydon Road, comprise a mix of dwelling type and size, and are generally set back from the road, within relatively long plots. Dwellings along Beechwood Gardens are predominately pairs of semi-detached dwellings, positioned within relatively narrow, but long plots. Dwellings are located close to the highway edge, with parking provided through on-street provision. Opposite the appeal site is a retirement home.
6. When seen from Beechwood Gardens, the proposal would appear as a single terrace, which would stretch across the majority of the appeal site. As a consequence, the proposed building would be of a considerable bulk and mass, which would be out of keeping with surrounding development. Furthermore, to allow for the provision of off-road car parking, the proposed dwellings would be set back from the road. As a result, in comparison to the pattern and layout of surrounding dwellings, the depth of the rear plots would be considerably smaller than those around it. Consequently, this would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern of development which would be out of keeping and harmful to the character and appearance of the area.
7. I note the submissions of the appellant in relation to the design of the proposed dwellings and their appearance in relation to surrounding properties, along with the lack of objection to the amount of garden space provided. However, whilst these similarities are benefits of the proposed development, they do not overcome the harm caused by the proposal.
8. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policy CSP8 of the Tandridge District Core Strategy (TDCS), Policies DP7 and DP8 of the Tandridge District Local Plan: Part 2 (TDLP), Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 (CCWNP) and the National Planning Policy Framework (the Framework). Amongst other things, these policies seek development to be appropriate to the surrounding area in terms of land use, size and scale, to maintain or if possible enhance the character and appearance of the area, and not involve the inappropriate subdivision of existing curtilages to a size below that prevailing in the area.

### *Living conditions*

9. The side elevation of the proposed development would be positioned immediately to the rear of the properties along Croydon Road, however due to the surrounding topography, the appeal site is located on higher land than these neighbouring dwellings. These dwellings are set a reasonable distance away from the boundary of the appeal site and are separated by their back gardens. However, despite this distance, due to its height, bulk and position both close to the boundary and directly to the rear of No 184, the appeal proposal would represent a visually intrusive and overbearing form of development.

10. The rear of the proposed development would face directly towards the back gardens of the existing properties along Croydon Road. This, when combined with the topography of the appeal site and the overall height of the proposed dwellings, would result in an increase in overlooking and loss of privacy to surrounding residents, which would be harmful to their living conditions. Furthermore, due to their relatively small garden areas, along with their overall height, the proposed development would appear as an overbearing and oppressive form of development, when seen from the rear gardens of Nos 192 and 194 Croydon Road in particular. As a result, the appeal proposal would represent a visually intrusive and overbearing form of development, harmful to the living conditions of surrounding residents.
11. In this respect I acknowledge the comments from the appellant with regards to the urban nature of the surroundings. Whilst I accept that there is already a degree of overlooking that occurs due to the pattern of surrounding development, this does not justify the harm that I have found.
12. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of surrounding residents and, in this respect, would be contrary to policy CSP18 of the TDCS, Policy DP7 of the TDLP and the Framework. These policies, amongst other things seek to ensure new development does not have overlooking, overshadowing or any other adverse effect.

### *Parking*

13. The proposed development would provide a single off-road space per dwelling, with the appellant submitting that a further on-road space would be available immediately to the front of the appeal properties, across the proposed driveways. Based on the Tandridge District Council Parking Standards SPD (2012) the proposal would require the provision of a total of 8 off street parking spaces to serve the appeal proposal.
14. In terms of car parking to serve the existing properties on Beechwood Gardens, this is predominately provided via on-street parking, with the exception of the existing Retirement Home which has its own private off-road parking area. Additionally, some informal verge parking towards the top of Beechwood Gardens is available. To accommodate the accesses to serve the proposed development, a number of existing spaces would be displaced. Whilst the appellant has identified that these would potentially be available to residents of the proposed development, it would still result in the overall reduction in on-street parking spaces available to existing residents. Given the reliance upon on-street parking in Beechwood Gardens, when combined with the shortfall in provision, on the face of it therefore, the proposed development would fail to make adequate provision to meet standards.
15. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraph 107 requires parking standards to take into account, amongst other things, the accessibility of the development. Paragraph 108, amongst other things identifies that maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network, with Paragraph 111 stating that development should only be prevented or refused where it would have an unacceptable impact on highway safety.

16. In this regard, I acknowledge the proximity of the site in relation to Caterham town centre, local services and facilities, including public transport links. I also note the results from the applicant's parking survey, which shows an availability of on-street spaces. Therefore, whilst the proposal would result in an under provision of off-street parking, along with the loss of on-street parking space, there is no evidence that this would lead to any unacceptable impact on highway safety. Furthermore, I note that the Highway Authority has not objected to the proposal.
17. On this basis, whilst I accept that there would be an under provision of off-site parking, I conclude that the site lies in a sustainable location and therefore the proposed parking spaces are adequate to support the proposed development and, as such, it would be unlikely to have an adverse effect upon highway safety. Furthermore, whilst I acknowledge that the loss of the on-street spaces would have an impact upon the residential amenity of surrounding residents, given its accessible location, I do not consider that this would amount to material harm, to justify the withholding of planning permission for these reasons alone.
18. For the above reasons, whilst there would be an under provision of parking, I conclude that the site lies in a sustainable location and therefore the proposed parking spaces are adequate to support the proposed development and, as such, it would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policy SCP12 of the TDCS, Policies DP5 and DP7 of the TDLP, Policy CCW5 of the CCWNP, the Council's Adopted Parking Standards SPD and the policies contained within the Framework.

### *Ecology*

19. As part of the appeal submissions, the appellant provided the results of a Preliminary Ecological Appraisal Report, which concludes that the appeal site is of low ecological value. It does however identify the potential for the proposal to impact upon breeding birds and hedgehogs and recommends mitigation to minimise this risk, along with a number of other enhancement measures.
20. The Council have provided no response to the submitted report, however having reviewed its contents, I have no evidence before me to cast doubt on its overall conclusions.
21. For the above reasons, I conclude that the proposed development would not harm existing biodiversity and, in this respect, accords with Policy CSP17 of the TDCS, Policy DP19 of the TDLP and the Framework. These policies, amongst other things, requires development to protect biodiversity and ensure appropriate mitigation and enhancements are provided.

### **Other Matters**

22. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
23. Paragraph 11 of The Framework states that where relevant policies 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 whole or where specific policies

in the Framework, indicate that development should be restricted. Footnote 7 does not apply to this case.

24. In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in respect to the benefits associated with the provision of new housing. Nonetheless, these benefits would be limited given the modest scale of the development proposed. Whilst this is considered to be a benefit, given the modest scale of the contribution, I find that the adverse impact of the proposed development upon the character and appearance of the area and the living conditions of surrounding residents, significantly and demonstrably outweighs this limited benefit.

### **Conclusion**

25. I have found that the proposed development would not have an adverse effect upon biodiversity and highway safety. However, this is outweighed by the harm to the character and appearance of the area and the harm to the living conditions of surrounding residents. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR