



Appeal Decision

Site visit made on 4 July 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/M3645/W/21/3284498

Land between 68a Banstead Road and 2 Foxon Lane, Caterham CR3 5SA

- 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 Henry Parker against the decision of Tandridge District Council.
 - The application Ref 2021/1043, dated 2 June 2021, was refused by notice dated 22 September 2021.
 - The development proposed is erection of a two-bedroom detached bungalow with a lower ground floor, amenity space and off-street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect of the proposed development upon the character and appearance of the area;
 - ii. whether the proposal would provide satisfactory living conditions for the future occupiers of the development in terms of access to outdoor space.

Reasons

Character and Appearance

3. The appeal site comprises an enclosed area of land to the side of 2 Foxon Lane and to the rear of 68a Banstead Road. I understand that the site formerly hosted a garage, however at the time of my visit to the site this was only evident through the presence of an area of remaining concrete hardstanding.
4. Foxon Lane is primarily a residential street containing dwellings of a variety of ages, design and configuration, including an existing detached bungalow at a location opposite the appeal site. Otherwise, the character of the street is largely of two storey dwellings. Although the rhythm of the overall street is variable, there are smaller groups of properties within it which establish their own consistency of character. The block of properties of which 2 Foxon Lane forms part, is set substantially back from the road by way of a mature front garden.
5. The appeal site is narrow and is situated between two 2-storey dwellings. The proposed dwelling would have a single-storey appearance when seen from the street, with the narrow-end facing in that direction. This would be at odds with

the two much broader and substantially higher dwellings on either side. Given that the development would be significantly lower and narrower, it would emphasise the cramped nature of the plot. Furthermore, by being located closer to the road than the existing dwelling at No 2 it would be prominent, appearing discordant with the overall pattern of development along the street

6. The bungalow on the opposite side of the road from the appeal site does have a similar relationship with the dwellings on either side of it. However, the situation of this bungalow is different as it forms an infill development within a consistent area of street frontage and is not set significantly forward of those properties to which it is adjacent. As a result, and unlike the proposed development would be, it is not prominent and does not disturb the established rhythm of its immediate surroundings.
7. The appellant states that the land would have no use if left undeveloped and would subsequently become overgrown as a result, however it has not been demonstrated that the proposed development is the only potential future use of the land. I consider that the potential for the site to become unsightly would not justify the harm to the character and appearance of the area that would result from the proposed development.
8. The proposed materials would not appear incongruous within the context of the variety in the street. However, this would not overcome the harm that I have identified with respect to the design, positioning and scale of the proposal.
9. In relation to this main issue, the proposed development would have a harmful impact upon the character and appearance of the area. Accordingly, it would not comply with Tandridge District Core Strategy adopted October 2008 (TDSC) Policy CSP18, Tandridge District Local Plan Part 2¹ (TDLP) Policies DP7 and DP8, and Caterham, Chaldon and Whyteleaf Neighbourhood Plan 2021 (CCWNP) Policies CCW4 and CCW5. Together these policies seek to ensure that development is of a high standard of design which respects the character, setting and local context, integrates effectively with its surroundings, and is in keeping with the prevailing streetscape.

Living Conditions

10. Although there would be outdoor space within the site on all sides of the proposed development, its location within the plot would mean that the primary area available for everyday recreation and activity would be located to the rear of the dwelling. Minimal separation from the boundaries to the side of the dwelling would mean that outdoor space in these areas would be unusable for practical purposes other than a means of access to the rear of the property. The area of outdoor space to the front of the property would partly accommodate the proposed lightwell and would largely otherwise be given over to a parking area, also limiting the quality of this space for other outdoor recreation and wellbeing purposes.
11. The size of the area to the rear of the property is not stated on the submitted plans, and there is some difference between the parties with regards to its size. The Council provide no overall figure but have assessed the area as being 3.6m in depth and 8.4m in width, whilst the appellant states that the area would amount to 35m². Based on both sets of figures, it appears that the rear garden

¹ Tandridge Local Plan Part 2: Detailed Policies 2014

area would likely provide somewhere in the region of 30 to 35m² of outdoor space, and I have assessed the proposal on this basis.

12. Although the size of the proposed rear garden would be small for the purposes of providing usable outdoor space for a two-bedroom property, it would be capable of hosting a small patio or other common garden furniture. However, the limited depth of the garden, combined with the proximity of neighbouring properties, in combination with the limited overall size of the space, would lead to it feeling cramped and compromised, limiting the quality of the space to a significant degree.
13. The appellant has referred to the Housing Design Quality SPG but has not provided it and I am not informed of the status of such a document. The Council does not rely upon or refer to any document with that title. I have reached a conclusion on the adequacy of the space not just in relation to a specific size but based upon how useable and attractive it would be for prospective occupants. Additionally, I cannot afford any weight to whether the proposal meets standards set out in the London Plan as it does not form part of the development plan in this location.
14. In relation to this main issue, the proposal would fail to provide adequate living conditions for future occupiers of the development in terms of access to outdoor space. Accordingly, it would conflict with TDLP Policy DP7 which whilst not setting a specific size standard, nevertheless requires development to provide appropriate facilities for individual and communal use, including garden areas that are proportionate to the size of the residential units and appropriate for the intended occupiers.

Other Matters

15. The level of internal space provided within the dwelling, along with impacts upon trees and biodiversity, the living conditions of occupiers of neighbouring properties and mitigation of climate change impacts are not matters of dispute between the parties. However, even if I were to agree with regards to these matters, they would be neutral factors and would not weigh in favour of the proposal.
16. The appeal site is located within a built-up area and has good access to public transport, shops, services and employment opportunities. However, this is also only a neutral factor.

Planning Balance and Conclusion

17. The Council advise they cannot currently demonstrate a five-year supply of housing land. Accordingly, I am led to Paragraph 11 d) ii) of the National Planning Policy Framework ('the Framework').
18. As a result, the Framework advises that permission should be granted, unless any adverse impacts of doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. I have found that the proposed development would give rise to harm to the character and appearance of the area contrary to TDSC Policy CSP18, TDLP Policies DP7 and DP8, and CCWNP Policies CCW4 and CCW5. These policies are generally consistent with the Framework which supports the creation of high

quality and well-designed buildings and places. I therefore afford significant weight to this conflict.

20. The proposed development would also provide unacceptable living conditions for future occupiers in terms of the level and quality of outdoor space that would be available and would therefore conflict with TDLP DP7. This policy is consistent with the Framework, and I afford significant weight to this conflict as a result.
21. A single new dwelling would provide a boost to the supply of housing, however this would be only a moderate benefit given the scale of the proposed development. There would also be economic benefits during the construction phase, but these would be time limited. There also be longer term economic benefits through additional support to local businesses and services, although the scale of the proposed development means that this is also only a limited benefit.
22. With this in mind, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
23. The proposed development would conflict with the development plan and there are no material considerations, including the Framework, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

C Harding

INSPECTOR