



Appeal Decision

Site visit made on 25 October 2022

by J Davis BSc (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022.

Appeal Ref: APP/M3645/D/22/3304226

4 Wynnstow Park, Oxted, RH8 9DR

- 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 Helen Peck against the decision of Tandridge District Council.
 - The application Ref TA/2021/1996, dated 13 November 2021, was refused by notice dated 9 May 2022.
 - The development proposed is described as 'Demolition of existing single storey garage and utility room forming part of a detached two storey house. Erection of a new side and rear two storey extension to ground and first floors to include excavation of a new basement level garage below the extension. The extension will be constructed in the same footprint of the demolished garage / utility room and further extended at the rear of the property by 8 metres.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area, including the effect on protected trees.

Reasons

3. The appeal site comprises of a detached, two-storey dwelling with a pitched roof. It is located towards the end of Wynnstow Park, a short cul-de-sac of detached dwellings of individual architectural designs. There is a distinct variation in levels along Wynnstow Park, with the appeal property being set on lower land than 3 Wynnstow Park but at a much higher level than the neighbouring dwelling at 5 Wynnstow Park.
4. There are a large number of trees within and adjacent to the site which contribute significantly to the green, sylvan character of the area. Several of these trees are protected by a Tree Preservation Order, including the Beech tree located to the front of the site.
5. The appeal property has been the subject of previous planning applications for extensions and alterations that are relevant to the current proposal. Of these, my attention has been drawn to an appeal¹ which was dismissed in November 2019 (the previous appeal) and to a subsequent refused planning application in

¹ Appeal ref: APP/M3645/D/19/3235694

2021 (LPA ref. 2021/569). The current appeal proposal has been subsequently amended following the above decisions.

6. The proposal involves the excavation of a partially exposed basement level under the proposed two storey side extension. This extension would be in the same location as the existing garage and utility room to be demolished. The proposed basement, with two floors of accommodation above, would be visible in the street scene, as would the substantial retaining walls alongside the proposed driveway. However, there are other examples of partial basements to properties in Wynnstow Park, most notably at No 3, where a basement level with two floor of accommodation above is clearly visible in the street scene. This leads me to conclude that the proposed basement level would not be out of character with the existing street scene.
7. The proposed two storey side extension would have a pitched roof to match that of the existing dwelling. The existing ridge height of the host dwelling would be unaltered and I am therefore satisfied that the extension would reflect and respect the character and appearance of the host dwelling. I also note that the scale of the proposed side extension would be significantly less than that considered under the previous appeal, where an additional storey of accommodation and an increase in height of the host property was proposed.
8. The proposed two storey rear extension would have a depth of 8 metres. It would have an eaves height greater than that of the host dwelling, and a flat roof design. Notwithstanding the Council's comments set out in their officer report in relation to the rear extension proposed under LPA ref. 2021/569 referred to by the appellant, I find that the proposed rear extension, due to its size and scale and particularly its flat roof design, would appear incongruous and would fail to integrate satisfactorily with the host dwelling. Furthermore, some filtered views of the rear extension through the trees would be obtainable from Wynnstow Park and accordingly, it would also result in harm to the character and appearance of the surrounding area.
9. Whilst I acknowledge that the appellant would be prepared to accept a pitched roof over the rear extension, I am required to determine the appeal based on the plans before me.
10. The appellant has highlighted a two storey flat roof extension to the front of 9 Wynnstow Park which is highly visible in the street scene. However, the host property is of a different design to the appeal property and in my view the flat roof extension harmonises appropriately with the original character and appearance of the dwelling.
11. With regard to the effect of the proposed development on trees, the proposed side and basement extension and associated driveway would require extensive excavation that is likely to be partly within the root protection area (RPA) of the protected Beech tree (T1). In my view, there is the potential for the proposed development to have an adverse impact on the health and future retention of the Beech tree which makes an important contribution to the character and appearance of the area.
12. The proposed basement level would be beneath the footprint of the existing garage. Photographic evidence of a cavity under the house has been provided but from this limited evidence, it is difficult to judge its overall extent and the implications of this on the root system and RPA of the Beech Tree. In any

event, excavation would also be required in relation to the formation of the driveway and retaining walls which could cause severance to the roots of the Beech tree.

13. A tree protection plan has been submitted however the Council highlight that it is not to scale and that it does not accurately show crown spreads of adjacent trees. Further concern is also raised that the RPA's have not been modified to take account of the site's constraints and I agree that the submitted Arboricultural Method Statement does not provide sufficient detail of how any large roots encountered would be satisfactorily addressed. The appellant fully recognises the importance of the Beech tree and the need to protect it and suggests that further detail could be conditioned, as was suggested by the Council's Senior tree officer in relation to the previous application (which was ultimately refused).
14. Based on the information before me, I find that there is insufficient evidence to demonstrate that the construction of the proposed basement garage and driveway access would not affect the Beech tree (T1) roots. Furthermore, as I have found the proposal to be unacceptable for the reasons set out above, it is not possible for additional information to be secured by way of a condition.
15. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the host site and the surrounding area and it has not been demonstrated that there would be no harm to protected trees. Thus, it would be contrary to Policy CSP18 of the Tandridge District Core Strategy (adopted 15 October 2008) and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 – 2029 (adopted July 2014). These policies (amongst other things) expect new development to be of a high quality design which reflects and respects the existing character, setting and local context, and to have regard to important trees and other features that contribute to its distinctiveness. It would also be contrary to the National Planning Policy Framework insofar as it seeks high quality design.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR