



Appeal Decision

Site visit made on 6 December 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/M3645/W/22/3302109

3 Queens Park Road, Caterham CR3 5RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Hannah of Woodlands Park Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2021/1943, dated 4 November 2021, was refused by notice dated 3 February 2022.
 - The development is proposed demolition of 3 Queens Park Road, Caterham CR3 5RB – comprising demolition of existing property and proposed 9 unit apartment building with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with access, appearance, layout and scale to be considered at this stage. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on i) character and appearance; ii) living conditions of adjoining properties with regard to privacy; iii) living conditions for potential occupiers with particular regard to outlook and amenity; iv) parking; and v) biodiversity and wildlife habitats.

Reasons

Character and appearance

4. The appeal site is located in Queens Park Road close to the junction with Church Road in Caterham. The surrounding area has a suburban feel, and the area has a verdant setting with well-established trees lining the street and Queens Park open space opposite the site. The properties are generally large, detached properties occupying large plots, with a mixture of dwellinghouses, flats and care homes located in the vicinity. Despite a variation in style, there is a distinct rhythm and feel to the street, with gaps between properties providing an important factor of the spaciouly sized plots defining the character of the area.
5. The proposal would occupy a significant proportion of the site in terms of its overall width and depth, with the footprint of the building in close proximity to the boundaries of adjoining neighbours at Nos 2 and 4 Queens Park Road. The

significant size of the proposal would erode the gaps between these adjoining properties and would provide a cramped appearance. Given this tight relationship, the bulk and mass of the scheme would provide no meaningful separation between the appeal proposal and properties either side, with any views through to the rear of the site being very limited. Furthermore, the juxtaposition between the buildings would appear awkward, almost as a solid form due to the lack of space between them, and their combined bulk and mass, would therefore appear out of keeping with the spacious character and appearance of the surrounding area.

6. It is acknowledged that the flatted development at No 4 is located close to the boundary with the appeal site, however it has been set off the opposite boundary with No 5 by the accessway thus maintaining the gap, and more spacious appearance. Furthermore, the open and undeveloped nature of the accessway retains the important gap between properties and thus provides a development that is more in scale with the surrounding vernacular. As such, this is not directly comparable to the appeal proposal which occupies the majority of the plot width, and whilst providing a vehicle access to the side, this would be built over, thus eroding the gap.
7. The appellant contends that the proposed development results in a scale, size and density of development which mirrors the prevailing character in this part of the locality. The appellant refers to the flatted schemes at No 4, adjoining the site, and the recently approved outline scheme¹ at No 5 which have been approved for 9 and 11 units respectively. Whilst these schemes have similar dwelling numbers with the appeal scheme, their plot sizes appear larger and thus have been able to accommodate the larger quantum of development. The appeal site occupies a smaller plot, and as such the incorporation of 9 units and the associated off-street car parking and servicing paraphernalia, would provide a density that is unrepresentative, appearing as an overdevelopment of the site.
8. For the above reasons, I find that the proposal would have a harmful effect on the character and appearance of the area. Accordingly, it would be contrary to Policy CSP18 of the Tandridge Core Strategy, adopted October 2008 (TCS); Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies, adopted July 2014 (TDP), which collectively require development to be of a high quality and to integrate with and enhance local character. The proposal would also fail to comply with Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan, adopted June 2021 (NP) which also seeks to secure high quality development in the Borough that respects local character.

Living conditions of adjoining properties

9. The residents who would be most affected by the appeal proposal are those occupying the adjoining properties in High Street at the rear of the site and Nos 2 and 4 Queens Park Road along the flank elevations.
10. TDP Policy DP7 is specific in its requirements that a minimum privacy distance of 22 metres is required for habitable rooms that are in direct alignment. The Council have identified flats 94-100 High Street would be most affected by the proposal. However, there is no definitive evidence in respect to the use of the

¹ Tandridge District Council Planning Ref: 2020/1504

rooms in the properties at Nos 94-100, and whether or not these windows serve habitable rooms. As such, I have adopted a precautionary approach.

11. From the information before me, the proposal would contain several habitable rooms, notably at units 2, 5, 7 and 9 with windows overlooking Nos 94-100 that would not meet the privacy distance requirement under TDP Policy DP7 and would result in increased overlooking and loss of privacy.
12. The boundary between the properties is screened by a well-established vegetated boundary, which could be maintained and enhanced by further landscaping details, which are reserved at this stage. However, due to the significant development proposed, the location of the rear car park close to this boundary, and the constrained dimensions of the plot, I am not persuaded that sufficient landscaping could be provided and maintained to mitigate overlooking and any loss of privacy in the long term.
13. The flank elevations of the appeal property align with the side elevation of Nos 2 and 4 Queens Park Road. The appeal scheme has been designed to minimise windows and openings in the flank elevations to reduce actual and perceived levels of overlooking. Whilst there are windows at the ground and upper floor levels, the majority of these units are secondary windows or windows serving non habitable rooms. These could be conditioned to have obscure glazing installed and retained in perpetuity. There is one ground floor window on the east elevation, which is the only window serving a bedroom. However, given the retention of close boarded fencing at this level, it could ensure that the scheme would not cause overlooking or loss of privacy to the neighbouring property at No 2 and need not be obscured.
14. Nevertheless, for the reasons above, the proposal would unacceptably harm the living conditions of the adjoining occupiers at Nos 94-100 High Street, due to overlooking and a loss of privacy. Therefore, the proposal would conflict with the objectives of TCS Policy CSP18 and TDP Policy DP7 which seek, among other things, for developments to respect local context and to protect the amenity of neighbours from unneighbourly development.

Living conditions for potential occupiers

15. The proposed development would meet with the minimum internal space requirements for new dwellings contained in the Government's nationally described space standard, March 2015 (NDSS). However, TDP Policy DP7 among other things, requires new development to provide high quality design and satisfactory amenity environments for the occupiers of both the existing and new developments. In addition, the National Planning Policy Framework 2021 (the Framework) expects planning decisions to ensure healthy living conditions and create better places to live, indicating that higher densities should not be at the expense of acceptable living standards.
16. The appellant contends that adequate amenity space is provided through the balconies and terraces at the upper floor levels and communal space at the ground floor. The outdoor communal area associated with the residential accommodation would amount to two modest areas along the edge of the plot, one to the front and one to the rear, interspersed between boundary fences and parking areas.

17. While there is no quantum to amenity space specified in the NDSS standards, given there are 3-bedroomed units proposed at the site, these are likely to be used by small families. Consequently, the extremely modest amount of outdoor amenity space, located amongst the proposed car park would provide an unsuitable and unattractive amenity area for potential occupants. I do not consider the accommodation accords with TDP Policy DP7 and could not reasonably be regarded as either a high quality or satisfactory living environment.
18. As a result, the living conditions of potential occupiers would be unsuitable due to inadequate amenity space. As such, because a satisfactory environment for occupiers would not be provided, the proposal would not comply with TDP Policy DP7.

Parking

19. The site is located in a relatively sustainable location, with fairly short walking distances to local amenities, shops and public transport links, and the County Highway Authority considers the proposal would not materially affect the safety and efficiency of the highway network. Nonetheless, the site's sustainability and safety credentials need to be weighed against the likely impact on local parking stress arising from the proposal in respect to the adopted Parking Standards and amenity consideration set by TDP Policy DP7. The proposal would provide 13 off-street parking spaces, which is a shortfall of 2.5 spaces assessed against the Tandridge Parking Standards Supplementary Planning Document, adopted September 2012 (SPD).
20. Other than sporadic sections of double yellow lines, there are few parking restrictions along Queens Park Road. At the time of my site visit, (a weekday at approximately 11.15am) parking was considerable with little capacity for additional parking. I have no information from the appellants to indicate that my daytime findings are not typical for the locality. Nor has a parking stress survey been submitted. As such, there is no evidence before me, to clarify that there is availability of spaces or that there are particular pressures caused by existing uses or developments in the area. However, I note that some local residents have objected to the proposal on parking grounds commenting that roads are congested, that parking in the area is tight and that extra cars generated by the development would add stress to an already overloaded parking system.
21. Consequently, the proposal would result in an increase in on street parking stress detrimental to the amenities of local residents. The proposal would thereby be contrary to TDP Policies DP5 and DP7 which amongst other things, requires development not to result in additional on-street parking where this would cause congestion or harm to amenity. It would also be contrary to TCS Policy CSP12 and NP Policy CCW5 which seek compliance with the aims and objectives of the Parking SPD in providing a suitable level of parking to avoid overspill and congestion.

Biodiversity and wildlife

22. As part of the appeal the appellant has submitted a Preliminary Ecological Appraisal (PEA). The PEA stated that no protected species or priority habitats were found on site. The PEA provides recommendations to limit any harm to existing habitats and provided recommendations on enhancing the biodiversity

to ensure that as much habitat as possible is retained post development. As such, even if the proposed removal of the category C trees identified for felling, and any other pruning works identified to existing trees was to be undertaken, the effective management of existing habitats could still be achieved. These biodiversity enhancement recommendations could be secured by condition.

23. The Council has not submitted any evidence to counter the findings of this study, and what has been submitted by the appellant satisfactorily demonstrates that any harm to habitats could be suitably mitigated due to the measures proposed.
24. Consequently, I conclude that the proposal would not harm biodiversity and wildlife habitats. It would therefore accord with TCS Policy CSP17 and TDP Policy DP19 which amongst other things, seek to manage and enhance biodiversity.

Planning Balance

25. The Council accepts that it cannot demonstrate a five-year housing land supply (FYHLS) at present. Paragraph 11 of the Framework states that where the policies that are most important for determining the application 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 a whole, or specific policies in the Framework indicate development should be restricted.
26. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in meeting its housing targets. There would be a modest benefit in the provision of nine new dwellings, however given the harm that I have identified in respect to the character and appearance, the living conditions of existing neighbours, the living conditions for potential occupiers and the increase levels of on-street parking, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR