



Appeal Decision

Site visit made on 6 December 2022

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 JANUARY 2023

Appeal Ref: APP/M3645/W/22/3298325

High Wold, Park View Road, Woldingham, Caterham CR3 7DA

- 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 & Mrs B Pearce against the decision of Tandridge District Council.
 - The application Ref TA2021/2147, dated 13 December 2021, was refused by notice dated 21 March 2022.
 - The development proposed is erection of dwelling with associated garaging.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The property name used on the planning application form and decision notice is 'High Wold', while the appeal form refers to 'Highwold'. Both forms of the property name are used in other documents submitted to the appeal, and I note that Ordnance Survey maps refer to High Wold. Whilst I note this discrepancy, I have used the name High Wold in my heading above.
3. Objection is made that the address of the proposal should be Station Road, in accordance with the address of the host property. Given the proposed access is from Park View Road, I am satisfied that the location of the proposed development is sufficiently clear, and that no person would have been prejudiced in this regard.
4. The appellant submitted amendments to the scheme for my consideration in this appeal. However, in accordance with procedural advice, the appeal process should not be used to evolve a scheme. The amended scheme is also the subject of a further planning application (Ref 2022/556), which was refused by the Council on 18 August 2022. Consequently, a separate right of appeal exists for the amended scheme. As such, I have considered the planning application as submitted.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the host property and the wider area; and the living conditions of neighbouring occupiers with regard to outlook.

Reasons

Character and appearance

6. The appeal site comprises the side garden of a two-storey dwelling with its principal frontage and main access from Station Road. The land slopes gently towards the lower hillside towards Park View Road, where the host property has an existing rear access that would serve the proposed dwelling. According to the Woldingham Design Guidance Supplementary Planning Document 2001 (SPD), the appeal site is situated in the 'Western Hillside (Area C)' character area. The SPD considers the Western Hillside area to most clearly reflect the original vision for Woldingham.
7. Houses are accessed from a winding road that winds along the contours of the hillside through characteristic tree planting. Houses are set well within their plots with many hardly visible from the road. To the west, striking glimpsed views of the countryside can be had through gaps between the houses. On my site visit, I found properties along Park View Road strongly conformed to this prevailing character.
8. Policy L1 of the Woldingham Neighbourhood Plan 2016 (WNP) seeks to protect and enhance the character of Woldingham by preventing the inappropriate subdivision of curtilages; and requires development to have a similar plot/footprint ratio in accordance with a table contained in the SPD unless there are strong reasons otherwise. There is a difference between the main parties on the ratio for the appeal site, but for either party, the ratio falls significantly below that required. The appellant argues that the ratios are guidelines and do not have to be strictly enforced. While I accept that the SPD details guidance, the WNP sets out policy, and the table within the SPD is reinforced by the endorsement of Policy L1, which forms part of the development plan. This is not a strong reason to set the requirement aside.
9. The appellant directs my attention to nearby examples of lower ratios in the area and a recent appeal decision at Atherfield¹. However, I do not know the full circumstances of those cases at the time of their consideration. In any event, on my site visit I found that the examples cited were very much in the minority. I did not find the Atherfield site to be directly comparable. It is a much larger site; it appears more discreet in nature, due to its extensive, substantial and mature landscaping; and it relates to a finer grain towards the east.
10. The appellant argues that the view would only be from surrounding houses, and in that event, views would be oblique or long-distance. Due to its height, the proposed dwelling would be notably visible from Park View Road, and also from part of Station Road which serves High Wold. Therefore, the proposal would be discordant with the prevailing character of being hardly visible from the road.
11. Due to its position and footprint, the proposed development would occupy a significantly large proportion of the existing garden of the host dwelling, and as such it would undermine the prevailing character of spacious dwellings. Due to its position, height, volume and shape, it would result in a built form that would appear bulky and domineering to the host property and to the neighbouring

¹ Appeal Ref: APP/M3645/W/20/3259737

Bellwood House. The shape and bulk of the proposed dwelling, together with the extensive glazing to the east and west elevations, results in a design that does not complement the established character in the area.

12. The appellant argues that the extensive glazing assists in solar gain, but this is not the only manner in which that objective can be achieved. The appellant provides photographs of other examples in the area, but they appear to demonstrate higher solid to void ratios.
13. Objections refer to the position of the proposed detached garage and gym building and associated hardstanding, in that it would be located in close proximity to the boundary with Bellwood House. As such it is argued that there would be no space for planting to boundaries, and this would fail to accord with design principles GS1&2 of the WDG, which require boundary treatments to include extensive vegetation. I agree.
14. I therefore find that the proposal would fail to respect the character and appearance of the host property and the wider area. I consider this harm to be significant in that the Western Hillside character area is the most clear reflection of the original vision for Woldingham.
15. The proposal therefore conflicts with Policy CSP1 of the Tandridge Core Strategy, adopted 2008; Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, adopted 2014; and Policy L1 of the WNP. It also fails to respect the guidelines of the SPD. These policies and SPD seek to ensure that development in Woldingham should be of high quality design and not harm the special character of the area; to ensure development integrates effectively with its surroundings; to reinforce local distinctiveness and landscape character; to ensure that development complies with design guidance; and to resist inappropriate residential garden land development.
16. The proposal also conflicts with paragraph 134 of the National Planning Policy Framework (the Framework) which states that development that is not well designed should be refused, "especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

Living conditions

17. The appeal site would share a common boundary with Bellwood House, which occupies a higher position than the proposed dwelling. The rear elevation of Bellwood House includes first floor windows to habitable rooms and a balcony overlooking the appeal site. Although the proposed dwelling would be well separated from Bellwood House, due to its height, position, design and form, the proposed dwelling would appear obtrusive and dominant from the first-floor windows and balcony of Bellwood House. Due to its location and height, in combination with its close proximity to Bellwood House, the proposed two-storey detached garage/workshop with gym above would also appear within the view of the first-floor windows and balcony of Bellwood House, and as such it would be visually intrusive.
18. I therefore conclude that the proposed development would have an adverse impact upon the living conditions of Bellwood House with regard to outlook.

19. The proposal therefore conflicts with Policy CSP1 of the Tandridge Core Strategy, 2008; Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029; and Policy L1 of the WNP. It also fails to respect the guidelines of the SPD. These policies seek to ensure that development in Woldingham complies with design guidance and to safeguard amenity.

Other Matters

20. Objection is made on privacy grounds. However, the main parties agree that no harm to privacy for existing occupiers of neighbouring properties arises from the proposed development and I find no reason to disagree. Objection is made on the grounds of harm to biodiversity, but no substantive evidence is submitted. A claim is made that the rear access to High Wold has not been used for a long period of time, but the frequency of use of the existing access is not a determinative matter.
21. A number of objections referred to the harm to roads and trees that may arise during the construction phase. Furthermore, technical evidence within the appellant's tree report contradicts that of a consultant arboriculturalist in relation to the height, diameter, category and value of T6 and T10, which lie within the boundary of the neighbouring property (Tor House). If I were to allow the appeal, such matters could be controlled by suitable conditions.
22. Objection is made that any delays caused by construction traffic would adversely impact upon a disabled person's ability to attend health appointments. The harm would be temporary in nature. Under the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, I have had due regard to the impact of the proposal in relation to this objection due to disability being a protected characteristic. As I am dismissing the appeal, a balancing exercise is not required.

Planning Balance

23. The appellant contends that the Council has a reported housing land supply of 1.95 years (including a 20% buffer) according to page 42 of the Council's publication 'Authority's Monitoring Report' (AMR). The appellant therefore contends that paragraph 11d(ii) of the Framework is engaged, whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The AMR also shows a supply of 2.24 years with a 5% buffer, and a housing trajectory of 3.29 years with a 20% buffer and 3.76 years with a 5% buffer.
24. In accordance with paragraph 14 of the Framework, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where certain provisions all apply. The WNP was not adopted within the last two years; it does not include policies and allocations to meet an identified housing requirement; and the Council does not have at least a three year housing supply; and the local planning authority's housing delivery was 50% according to paragraph 7.27 of the AMR, which exceeds the threshold of 45%. Consequently, all four of the provisions do not apply.
25. An additional unit would make little difference to the overall supply of housing and the support to the local economy would also be insignificant. The

biodiversity benefit from the green roof of the proposal is unevidenced and in any event it would be limited. The Framework affords substantial weight to the value of using brownfield land within settlements rather than greenfield or green belt land.

26. Paragraph 134 of the Framework requires development that is not well designed to be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. In this regard, the policies and guidance with which the proposed development conflicts are in strong conformity with the Framework.

27. I therefore conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

28. The proposal conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed

J Moore

INSPECTOR