



Appeal Decision

Site visit made on 14 November 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2023

Appeal Ref: APP/M3645/W/22/3292942

2 St Lukes Court, Whyteleafe Hill, Whyteleafe CR3 0FJ

- 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 Matthew Pearson against the decision of Tandridge District Council.
 - The application Ref. TA/2021/1745, dated 29 September 2021, was refused by notice dated 13 January 2022.
 - The development proposed is the erection of 1 x 2-bed new build flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw on my visit to the site that the appearance of the appeal building did not match the submitted drawings. The drawings show an additional storey containing two flats, which was not present on the building at the time of my visit. Both parties have confirmed that prior approval¹ for the construction of this additional storey was given in 2021, under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
3. Amended drawings omitting the obscure glazing to the bedroom windows and one of the kitchen/living room windows in the wall facing St Luke's Road, have been submitted with the appeal, along with a Noise Impact Assessment (NIA). The Council has confirmed that it is satisfied the amended drawings and NIA have addressed the second refusal reason and it raises no concerns with the revisions. I am content that all parties have had the opportunity to consider the appeal submissions and I have had regard to established principles and caselaw. I have therefore taken the amended drawings and the NIA into account in coming to my decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building and area.

Reasons

5. The relative importance of the appeal building to the character and appearance of the area is derived from its coherent hierarchy of 2 and 3 storey elements,

¹ 2021/1182/NH

which are arranged to ensure the large 3 storey core of the building has visual prominence on the frontage of Whyteleafe Hill. Together with the large building opposite, it contributes to the strong built frontage to Whyteleafe Hill, reflecting its status as a principal route through the settlement.

6. Set well back from Whyteleafe Hill at the rear of the appeal building and fronting St Luke's Road, is a timber clad element containing a single flat with undercroft parking. With its lower roof height and dark coloured walls, I find that this element reads as a subservient part of the building, reflecting its position on the narrower St Luke's Road, which functions as a 'back lane' route, and reflecting the hierarchy of the different elements of the building. This ensures that the larger core of the building has visual prominence on the frontage of Whyteleafe Hill. My findings in this regard reflect the decision of a previous Inspector².
7. Increasing the height and massing of this subservient element of the building, as proposed, would give it undue visual prominence in views from the south, where it would draw the eye away from the Whyteleafe Hill frontage and towards St Luke's Road. It would unbalance the coherent hierarchy of the building's overall composition and erode the prominence of its 3 storey core in the street scene. The effect of this would be to weaken the strong built frontage to Whyteleafe Hill in this prominent location, which would harm the character and appearance of the area.
8. I note that the height of the proposed development would sit below the height of the additional storey that was given prior approval and that its walls would be clad in matching dark coloured materials. Whilst the prior approval scheme could change the context of the proposed development by reinstating the balance and hierarchy to the building, as shown on the submitted drawings, it has not been built and the evidence before me does not provide certainty that it will be. As such, the alternative prior approval scheme carries limited weight and does not lead me away from my findings on this issue.
9. For these reasons, I conclude that the proposal would harm the character and appearance of the host building and the area. It would therefore conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS), Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 (Adopted 2014) (LP), and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2018-2033 (Adopted 2021) (NP), which require a high standard of design that respects its context and the character of the area, and contributes positively to local distinctiveness.
10. The appeal proposal would also conflict with Paragraph 130 of the National Planning Policy Framework (2021) (Framework), which states that planning decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment, amongst other objectives.

Other Matters

11. The Council and appellant have agreed that the amended plans and appropriate planning conditions would ensure the proposed development would not harm the outlook of future occupiers of the residential unit or otherwise result in poor

² Appeal reference APP/M3645/A/13/2199733

living conditions for those residents. I agree with their conclusions on this point.

12. Section 16 of the application form states that the proposal would deliver a social, affordable or intermediate rent housing unit within the Self-build and Custom Build category. However, the evidence before me does not include any legally binding mechanism to secure the unit within these categories and therefore this potential benefit carries limited weight. I note the appellant's willingness to install solar PV panels on the roof of the building. However, solar PV panels are not shown on the drawings and the benefits of solar PV have not been quantified. As such, I give limited weight to their potential benefits.
13. The installation of cycle racks would largely mitigate pressure from the additional future residents on the cycle parking provided for existing residents of the building. There is no convincing evidence that meeting SAP performance ratings would be anything other than a regulatory matter. As such, I find both considerations to be neutral.
14. Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The CS and LP date from 2008 and 2014 respectively and the NP from 2021. These comprise the development plan. The weight to be attached to development plan policies does not hinge on their age. Rather paragraph 219 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework.
15. The proposed housing unit would contribute to housing delivery within the District and the Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites. Based on the Housing Delivery Test (HDT), results before me, housing delivery has been substantially below the housing requirement over the past three years. Consequently, the Framework states that policies of the development plan that are most important for determining the application are deemed to be out-of-date. The Framework is a material consideration of great weight.
16. I have found conflict with the Framework and conflict with the development plan, the policies of which are consistent with the Framework's objectives of ensuring that development is visually attractive and sympathetic to local character, including the surrounding built environment. Even taking account of the objective of significantly boosting the supply of housing and the Council's housing land supply position, I give the appeal proposal's conflict with the development plan significant weight.
17. The development plan supports the provision of housing in this location and the appeal proposal would make good use of land. However, an additional unit would make little difference to the overall supply of housing. The support that one extra household would provide to the local economy would also be limited.
18. Consequently, the adverse effects on the character and appearance of the host building and the area would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole.

Conclusion

19. For the reasons given above, I conclude that the proposed development conflicts with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR