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# Appeal Decision

Site visit made on 14 February 2023

**by B Pattison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 April 2023**

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**Appeal Ref: APP/M3645/W/22/3304303**

**83 Harestone Hill, Caterham, Surrey CR3 6DL**

- 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 Craig Brown against the decision of Tandridge District Council.
  - The application Ref TA/2022/404, dated 18 March 2022, was refused by notice dated 17 June 2022.
  - The development proposed is detached house with parking and turning area accessed off Harestone Hill, Caterham.
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## Decision

1. The appeal is allowed and planning permission is granted for a detached house with parking and turning area accessed off Harestone Hill, Caterham at 83 Harestone Hill, Caterham, Surrey CR3 6DL in accordance with the terms of the application Ref TA/2022/404 dated 18 March 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the area; and
  - The effect of the proposed development on the living conditions of the occupiers of 79, 83 and 85 Harestone Hill with particular reference to loss of privacy.

## Reasons

### *Character and appearance*

3. The site is within a residential area which is characterised by large detached properties within substantial plots. The properties front Harestone Hill and form an established building line. The appeal site forms part of the rear garden of 83 Harestone Hill. The topography of the appeal site rises steeply to the rear, so that the proposed dwelling would be situated at a substantially higher level than the houses which form the frontage development. The site has mature trees and planting along its boundaries with neighbouring properties.
4. Whereas the proposed developments in the two previously dismissed schemes<sup>1</sup> were two storeys in height, the current appeal proposal would be single storey.

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<sup>1</sup> APP/M3645/W/19/3225606 and APP/M3645/W/21/3273342

It would also have a stepped design to help integrate into the site's topography without requiring large retaining wall structures. Whilst it would be sited in an elevated location, the submitted drawings show that the highest part of the new house would not rise significantly above the roof of No. 83. Consequently, I do not consider that the proposed development would loom above the host dwelling or neighbouring properties.

5. Due to its single storey design and location to the rear of the neighbouring dwellings, the proposed development would not be readily visible from viewpoints on Harestone Hill. Furthermore, its sedum roof would soften the appearance of the building enabling it to integrate into its setting. Overall, it would sit comfortably within the local landscape and would not appear as a dominant form of development.
6. Although it would be accessed from Harestone Hill, the siting of the proposed development would bring it in line with the dwellings at Tupwood Gardens located along the upper section of the hillside. As a result, its siting would not be inconsistent with the prevailing spatial character of the area.
7. For the reasons outlined above, I conclude that the proposed dwelling would not cause harm to the character and appearance of the area. Accordingly, I find no conflict with Policy CSP 18 of the Tandridge District Core Strategy (2008) (CS), Policies DP7 and DP8 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (LP), and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021). Taken together, these seek amongst other things, high quality design which integrates effectively with its surroundings, reflecting local distinctiveness and landscape character.
8. I also find no conflict with the Harestone Valley Design Guidance, Supplementary Planning Document (2011) (the SPD) which seeks to protect the character and appearance of the area, and in particular that developments must be integrated into the existing topography and bear a positive relationship to surrounding properties.

#### *Living conditions*

9. The layout of the dwelling would limit the use of windows which look towards the existing houses on Harestone Hill, as well as towards the neighbouring gardens. The only opening which would face No. 83 would be the door serving the main entrance. Whilst the site and the proposal are elevated above No. 83, the 1.8m close boarded fence and additional planting along the boundary with the host property would prevent direct views to it. The separation distances and single storey nature of the proposed development would prevent the new house from harmfully impacting on the outlook of occupiers of the neighbouring properties.
10. The proposed development includes side facing windows which would face the gardens of Nos. 79 and 85 Harestone Hill. During my site visit I observed that the planting on the boundary with No. 79 is very dense and would prevent direct overlooking towards the garden and rear of this neighbouring property.
11. The boundary with No. 85 is also densely planted, albeit there is a gap where the hedge and treeline is not currently well established, which allows limited views of the rear elevation the neighbouring property. The submitted "Distance and Outlook Plan" dated July 2022 demonstrates that the nearest window

facing No. 85 would be 34.9m from its rear elevation, whilst a second window supplying a family room would be significantly further away. Due to the proposed development's single storey design the windows would be less elevated than those within the dismissed appeal schemes.

12. Given the separation distances, the angled nature of views, combined with the extensive existing mature boundary vegetation, views to No. 85 would be, at most, relatively limited and therefore any potential overlooking would not be significant. I have imposed a landscaping condition which requires details of planting along the site boundaries and which requires the replacement, within the next planting season, of any vegetation which dies or becomes damaged or diseased. This would provide additional screening in the long-term, however for the reasons above, even in the short term before the additional planting has matured, potential overlooking from the new house would be limited. It seems to me, in the interests of mutual privacy, it would be unlikely that future occupiers would wish to remove the landscaping.
13. The appeal site is in use as the rear garden of No. 83 and there are existing vantage points within the garden which currently allow limited overlooking to neighbouring properties. I do not find that the continued use of this space as a garden area and driveway by the future occupiers of the proposed development would result in an additional loss of privacy for neighbouring occupiers.
14. For the reasons outlined above, I conclude that the proposed dwelling would not have an unacceptable impact on the living conditions of neighbouring occupiers. Accordingly, I find no conflict with Policy CSP18 of the CS, Policy DP7 of the LP, or the guidance within the SPD. Taken together, these seek development which would not significantly harm the amenities of the occupiers of neighbouring properties.

### **Other Matters**

15. Interested parties have raised concerns in relation to the felling of trees prior to the submission of the planning application. However, there is little evidence before me to suggest that these trees could not have been felled. I have determined the appeal on its own merits and based on the appearance of the site during my visit. Notwithstanding this, I have imposed a condition which requires details of soft landscaping which will include further planting.
16. Concerns have been raised in relation to the access to the development being contrived and the potential for future car parking on Harestone Hill. The appeal proposal provides two off-street car parking spaces which I consider sufficient to reduce the likelihood of future occupiers choosing to park on the highway, given the scale of the property.
17. Concerns in relation to construction traffic and noise have also been raised. I have sympathy for existing occupiers as development of this nature would inevitably give rise to some disruption. However, the works would be time limited and it would not be reasonable to withhold consent on this basis alone. The addition of a single dwelling within a residential area is unlikely to cause harmful noise and disturbance as a result of the additional comings and goings of future occupiers and visitors.
18. In this instance, as I have found that the proposed development would cause no harm to the character and appearance of the area it would not create a

precedent for other developments that would cause harmful effects in this regard. The concerns with regards to property values relate to private interests which I have not given any weight to.

19. A number of other matters have been raised by interested parties and I have taken them all into account. Those related to planning include the addition of the house affecting a "green corridor" and impacting local wildlife and ecology, damage to trees during and as a result of the construction, light pollution and the impact on the rural outlook from neighbouring properties. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects. Consequently, they do not lead me to a different overall conclusion that the appeal should not be allowed.

### **Conditions**

20. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
21. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
22. A condition requiring details of the external materials is necessary in the interests of the character and appearance of the area. Likewise, a condition related to the approval of hard and soft landscaping is necessary in the interests of the character and appearance of the area and to provide additional screening to reduce overlooking towards neighbouring properties. However, I have modified both conditions because the details are not required prior to commencement of the development.
23. I have included a condition requiring the provision of electric vehicle charging points to promote low emission vehicles. The condition requiring details of renewable energy provision is required to contribute to the reduction of carbon dioxide emissions. Again, I have modified both conditions to require the submission of details and implementation of the approved details prior to occupation because such details are not necessary prior to commencement of the development.
24. To prevent damage to trees I have included a condition requiring that all protection measures are undertaken as outlined in the submitted Arboricultural Report (AR). However, I have modified the condition as the details provided with the AR are sufficient, whilst the condition is required to ensure compliance with the AR. I have included a condition to prevent the use of the roof of the dwelling as a terrace in order to protect the privacy of neighbouring occupiers.
25. Bearing in mind the PPG's advice that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict several classes of permitted development rights. Therefore, I have not imposed a condition to this effect.
26. The recommendations of the Ecological Report amount to retaining boundary planting and providing a sensitive landscaping scheme. As these issues would

be controlled by the landscaping condition, I have not imposed an additional condition requiring compliance with the recommendations of the Ecological Report.

## **Conclusion**

27. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

*B Pattison*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 83/HH/02 Rev. B – Landscape Plan, 83/HH/03 Rev. A – Section View A-A Detail, 83/HH/04 Rev. A – Section View A-A Detail, 83/HH/05 Rev. D – Ground Floor Layout, 83/HH/08 Rev. B – Roof Layout, 83/HH/07 Rev. A – Elevation Drawings, 83/HH/08 – Spatial Pattern of Development, AS/CS/1220 TSP – Tree Survey Plan, AS/CS/1220 TCP Rev. A – Tree Constraints Plan, AS/CS/1220 TPP Rev. A – Tree Protection Plan, Topographical Survey (Scale 1:250), HH/DS/13 – Site Plan as Existing, 83/HH/01 Rev. A – Site and Block Plan
- 3) The development hereby permitted shall not be constructed above the damp proof course of the new house until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until details of a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 Connector - 230v AC 32 Amp single phase dedicated supply) have been submitted to and approved in writing by the Local Planning Authority. The fast charge socket shall be installed prior to the occupation of the development and shall be maintained in an operable condition thereafter.
- 5) The development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
  - proposed finished levels or contours
  - means of enclosure
  - car parking layouts
  - hard surfacing materialsDetails of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and

ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

The approved hard landscaping works shall be implemented prior to the occupation of the development and the approved soft landscaping works shall be implemented in the first planting season following the occupation of the dwelling. If, within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of soft landscaping, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of a similar size and species.

- 6) The development hereby permitted shall not be constructed above the damp proof course of the new house until details demonstrating how the development would achieve a 10% reduction of carbon dioxide emissions through the provision of renewable energy technologies have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall be installed in accordance with the approved details prior to the occupation of the development and maintained and retained thereafter.
- 7) The roof area of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 8) Throughout the entire construction period (including site clearance), all protection measures for trees will be undertaken in accordance with the details contained within the Arboricultural Report – BS 5837:2012 Tree Survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Woodside Tree Consultancy, Ref AS/CS/1200, 18 March 2022).

## **END OF SCHEDULE**