



Appeal Decision

Site visit made on 12th April 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 26th April 2023

Appeal Ref: APP/M3645/W/22/3305828

Land and Garages, Chapel Road, Warlingham CR6 9LH

- 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 Martin McFadden & Novo Land and Development against the decision of Tandridge District Council.
 - The application Ref.TA/2022/663, dated 13 May 2022, was refused by notice dated 19 August 2022.
 - The development proposed is demolition of existing garages, erection of 2 x semi-detached dwellings, parking, landscaping and access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages, erection of 2 x semi-detached dwellings, parking, landscaping and access at Land and Garages, Chapel Road, Warlingham CR6 9LH in accordance with the terms of the application, Ref. TA/2022/663, dated 13 May 2022, subject to the following 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 strict accordance with the following approved plans: D209-RP-01, D209-RP-02, D209-RP-03A, D209-RP-04A, D209-RP-05A, D209-RP-06A, D209-RP-07A, D209-RP-08A, D209-RP-09, D209-RP-10 or D209-RP-10A, D209-RP-11.
 - 3) Prior to above ground works details of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation;

- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

- 4) Prior to any above ground works, full details of both hard and soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - proposed finished levels or contours
 - means of enclosure
 - car parking layouts
 - other vehicle and pedestrian access and circulation areas
 - hard surfacing materials
 - tree planting and measures for biodiversity net gain i.e., bird boxes, bat boxes, planting of native species by way of mitigation for trees removed.
- 5) Details 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.
- 6) All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.
- 7) Prior to any above ground works details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 8) Prior to any above ground works, details demonstrating how the development would satisfy the 10% reduction of carbon emissions

through renewable resources shall have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the first or second floors on the north and south flank elevations of the dwellings hereby permitted.
- 10) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 2 vehicles per dwelling to be parked. Thereafter the parking areas shall be retained for their designated purpose.
- 11) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained.
- 12) The development hereby approved shall not be first occupied unless and until facilities have been provided for the secure parking of one bicycle space per dwelling and thereafter the facilities shall be retained.
- 13) The dwellings hereby approved shall conform to the design criteria for noise guideline values as specified within British Standard 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.
- 14) The rear facing windows in the rear dormer structures of the dwellings hereby permitted shall be fitted with obscured glazing and no part shall be openable if it is below 1.7m as measured from the floor level of the room it serves. Thereafter the windows shall be retained in that condition.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the surrounding area and the effect on the living conditions of occupants of nearby properties with regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is located on the east side of Chapel Road on the site of a disused block of garages in the urban area of Warlingham. The site is within the village centre and on a road with an established residential character. It is near the junction with Limpsfield Road on which there are, amongst other things, commercial uses. To the north east of the site there are residential uses including 438 and 440 Limpsfield Road which form a pair of semi-detached dwellings each with a quite narrow rear garden. No.438's rear garden adjoins the eastern boundary of the appeal site.

4. Planning permission is sought for the demolition of a row of garages and the erection of a pair of semi-detached dwellings facing Chapel Road. The dwellings would be two storeys high with accommodation in the roof space. The roof profiles would have partial gable ends with a small hip on each. Each dwelling would have two rooflights in the front roof slope and one flat-roofed dormer structure in the rear roof slope.
5. A previous planning permission for a pair of semi-detached properties was granted in April 2022 (ref.TA/2021/2055). The main differences between that scheme and the appeal scheme are that the roof profiles of the approved scheme consisted of full hips on the roof and each dwelling had a single rooflight in the front roof slope and a single rooflight in the rear roof slope. Both schemes had two rear facing first floor windows.
6. Chapel Road is a predominantly residential road which includes semi-detached and detached dwellings. The streetscene on Chapel Road does not appear unduly cramped or densely developed and many dwellings step back from the road with space in front of them. Whilst the dwellings are not all uniform in appearance, many have double gable ends with the main elevations facing the road. The proposed design of the two dwellings on the appeal site would be in keeping with the character of the road. Whilst the roofs would appear more imposing and bulkier than the 2022 approved scheme, they would not look incongruous alongside many of the existing Chapel Road dwellings. Each plot on the appeal site would have on-site tandem car parking to the north and south, allowing some openness at roof level and consequently the avoidance of an appearance of the semi-detached pair being squeezed onto the available land.
7. The proposed rear roof dormers would not be unduly large, would be comfortably set down from the main ridge and stepped up from the eaves and comfortably set in from the partial gable ends. Their windows would be modestly-sized and their flat roofs would not be unduly wide or deep such that the eye would be drawn to them. Their proportions are appropriate and their positioning on each roof not unduly non-symmetrical. As a result, the dormer structures would not dominate the roofs or the host dwellings as a whole or be unduly harmful to visual amenity.
8. Consequently, on this issue, I conclude that the proposal would not harm the character or appearance of the surrounding area. It would not conflict with policy CSP18 of the Tandridge District Core Strategy (adopted 2008) or policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies (adopted 2014).

Living conditions of Nearby Neighbours

9. In respect of potential loss of privacy resulting from the appeal scheme, nos 438 and 440 Limpsfield Road have domestic rear gardens which could be overlooked from the proposed rear dormer windows. Those windows would allow a view of rear gardens from a more elevated vantage point than one from first floor rear window level and the view would be fairly proximate. I consider this would unduly compromise the enjoyment of those rear gardens. However, I consider that this harm can be overcome by attaching an appropriately worded condition which would require fitting the windows with obscured glass and making them non-openable to a level about 1.7m above the floor level of the dormer room they serve. I consider it is acceptable to do this in this particular case as each second floor bedroom would additionally be served by a rooflight in the front roof slope facing Chapel Road.

10. In respect of the proposed dwellings appearing overbearing or unduly enclosing any nearby dwellings or their gardens, the main rear elevations of each dwelling would be set back from the gardens of nos 438 and 440 Limpsfield Road and the proposed dormers would be set further back and would not dominate the roof slope. As such the separation distances are such that the rear elevations and dormers would not appear oppressive or loom over the occupants of the Limpsfield Road houses when they are enjoying their gardens. I have also considered the impacts of the proposed flank elevations but these would be sufficiently set away from surrounding occupiers windows and amenity spaces. Nos 2 and 4 Chapel Road are dwellings which stand back from the road and are located on the opposite side of the road to the proposed development. Separation distances would be large enough to avoid any loss of outlook for the occupants of those properties.
11. On this issue, I conclude that the proposed development would not unduly harm the living conditions of nearby neighbours by reason of loss of privacy (with the attachment of an appropriate condition) or loss of outlook. It would not be in conflict with policy CSP18 of the Tandridge District Core Strategy (adopted 2008) or policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies (adopted 2014).

Conditions

12. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance and made adjustments to wording where appropriate. A condition which ties the built development to the approved plans is necessary for the avoidance of doubt. In order to protect the character and appearance of the host dwelling and its surroundings a condition requiring approval of external materials is necessary as are a number of landscaping conditions. I have explained above why the rear dormer windows need to be obscurely glazed and, in addition to protect privacy, there is a condition prohibiting windows in the flank walls.
13. There is a surface water condition in order to ensure drainage is properly secured. In order to reduce carbon emissions and be sustainable there are conditions requiring renewable energy sources to be approved, fast charge sockets to be provided and for bicycle parking on site. To protect future occupant's living conditions there are sound insulation and noise standards to achieve, and to protect highway safety on-site vehicle parking is required to be provided and retained.

Conclusion

14. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.

INSPECTOR