



Appeal Decision

Site visit made on 13 December 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/M3645/W/22/3290630

2 Gordon Road, Caterham CR3 5LS

- 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 Virtue Property Group against the decision of Tandridge District Council.
 - The application Ref. TA/2021/998, dated 25 May 2021, was refused by notice dated 6 September 2021.
 - The development proposed is the demolition of existing bungalow, to be replaced with 1No. 4 bedroom detached dwelling and 2No. 3 bedroom semi-detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and detached garage, to be replaced with 1No. 4 bedroom detached dwelling and 2No. 3 bedroom semi-detached dwellings at 2 Gordon Road, Caterham CR3 5LS in accordance with the terms of the application, Ref TA/2021/998, dated 25 May 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The drawings show the appeal proposal as including the demolition of the existing detached garage and therefore I have included this within the description of development in the grant of planning permission above. I am satisfied that doing so would not unfairly prejudice the interests of any party.
3. The Council has withdrawn its second reason for refusal in respect of a loss of privacy for the occupiers of No 30 Spencer Road. I will return to this matter later in this decision letter.

Main Issue

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of nearby properties, with particular regard to the privacy of the occupiers of 30 Spencer Road.

Reasons

Character and appearance

5. The prevailing character and appearance of the wider area is generally defined by rows of two storey buildings of mixed scales and designs that are set on

discernible building lines fronting on to the roads, and with narrow spacings between buildings. Hard surfaced vehicle parking spaces on the frontages of dwellings are a feature of the locality, including for the existing and adjacent bungalows, and properties on Spencer Road.

6. Despite the prevailing character and appearance of the wider area, the section of Gordon Road in the vicinity of the appeal site is more mixed in its character and appearance. Whilst there are some spacious parts in the form of the rear gardens of the dwellings that front on to Spencer Road and Addison Road, the bungalow at the appeal site and the adjacent bungalows are relatively large buildings with accommodation in their roofs and relatively wide facades. These bungalows are separated by relatively narrow gaps and they do not noticeably contribute to a sense of openness or spaciousness in the street scene.
7. Whilst of a different height to the existing and nearby bungalows, the proposed dwellings would create a stepped transition of roof heights and they would sit comfortably in the street scene. The half hipped roof forms of the proposed dwellings would relate well to the hipped and half hipped roof forms of the adjacent bungalow, and would reduce the scale of their roofs.
8. Although the plots sizes of the proposed dwellings would be shorter in length from front to back than most plots in the wider locality, they would be of a comparable width to most others in the area. Furthermore, the spaces between the proposed buildings, and between them and the adjacent bungalow would be comparable to the generally narrow spacings between buildings in the locality of the appeal site.
9. Consequently, the proposed dwellings would not appear dominant or cramped in the street scene. The proposed frontage vehicle parking provision would reflect that already found on Gordon Road and Spencer Road, and landscaping would be secured by condition to soften the appearance of the development.
10. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. It would therefore accord with Policy CSP18 of the Tandridge District Core Strategy (Adopted October 2008) (the CS), Policies DP7 and DP8 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 June 2021), which, amongst others, require that development respects the character, setting and local context of a site.
11. The appeal proposal would be consistent 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.

Living conditions

12. Given the relationships between the proposed dwellings and the existing dwelling and its garden at 30 Spencer Road (No 30), and the distances of separation and the viewing angles between them, I find that the proposed development would not lead to a harmful loss of privacy for the occupiers of No 30.

13. Due to the relationships between the proposed dwellings and the existing properties, including the very long gardens of the properties to the west, I find that the proposed development would not lead to a harmful loss of privacy, outlook or light for the occupiers of those properties. As such, requiring side facing bathroom windows in the proposed dwellings to be fitted with opaque glazing would not be necessary to make the proposed development acceptable.
14. The residential use of the development would not give rise to unacceptably harmful levels of noise and disturbance in this residential area. Whilst the construction process is likely to cause some noise and disturbance, this would be for a temporary period only, and given the scale of the development, this is not a reason to withhold permission.
15. For these reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of nearby properties, and it would accord with Policy CSP18 of the CS and Policy DP7 of the LP, which require development to avoid significant harm to the living conditions of the occupiers of nearby properties.
16. The appeal proposal would be consistent with Paragraph 130 of the Framework, which requires development to provide a high standard of amenity for existing occupiers, amongst other objectives.

Other Matters

17. At the time of my visit, I saw that on-street parking on Gordon Road, which is a relatively wide road, was readily available. Traffic movements were light and vehicle speeds were relatively low. I have limited evidence to demonstrate that such conditions are abnormal. On the evidence before me and based on my observations at my site visit, I find that the proposed development would not result in harm to highway safety. The vehicle access and parking arrangements are satisfactory and can be secured through the imposition of planning conditions.
18. The scale of development is relatively small and due to the connected layout of the road network in the area, road users would be able to use alternative routes in the event of any short term disruption to traffic flow caused during construction work. Therefore, the suggested Construction Transport Management Plan is not necessary to make the development acceptable and I have not imposed it.
19. I have no substantive evidence that local services and utilities, including the mains water supply, do not have adequate capacity to cope with the proposed development and its resident population, or that it would harm air quality.
20. On the evidence before me, I find that the proposed development would not result in harm in respect of ecology and biodiversity.
21. A condition could be imposed to ensure the agreement of a suitable surface water drainage scheme for the development, as proposed within the appellant's flood risk assessment, to avoid exacerbating flood risk.
22. The Council Officer's Report refers to the imposition of a condition recommended by the Environment Agency (EA) on a previous planning application on the site. However, no such condition has been requested by the EA on this application.

23. I have not been provided with any substantive evidence that there is a shortage of bungalows in the area, nor have I been provided with any policies that seek to restrict the loss of bungalows.

Conditions

24. The Council has suggested several conditions which I have considered in accordance with the tests for imposing conditions set out in the National Planning Policy Guidance (the PPG) and the Framework. The appellant has had the opportunity to provide comment on the pre-commencement conditions. Where necessary I have amended the wording of the suggested conditions to ensure compliance with the tests.
25. In the interests of certainty, it is necessary to define the plans with which the approved development shall accord.
26. To ensure that the development respects the character and appearance of the area, it is necessary to impose a pre-commencement condition requiring the agreement of landscaping of the development as this relates to matters applicable to the early stages of development. Although broad descriptions of the materials for the hard surfaces of the car parking spaces and paths are provided, the details are not sufficiently precise, thus justifying a condition. I have omitted the requirement for car parking layouts, vehicle and pedestrian circulation areas, and finished levels to be provided within the landscaping details as these are shown on the approved drawings.
27. I have imposed a pre-commencement condition requiring the agreement of a surface water drainage scheme for the development to ensure that flood risk is not exacerbated. Satisfactory delivery of the surface water drainage system could be prejudiced if agreed at a later stage of development.
28. A condition is necessary to ensure the development meets the requirement in Policy CSP14 of the CS to achieve a 10% reduction of carbon emissions through renewable energy. I cannot rule out that such measures would not need to be incorporated into the development at an early stage and their satisfactory delivery could be prejudiced if agreed at a later stage of development, thus justifying a pre-commencement condition.
29. The application form and the drawings state broad descriptions for the external materials of the buildings. However, I have imposed a condition requiring the agreement of external materials of the buildings to ensure that the development respects the character and appearance of the area.
30. Conditions requiring the provision of cycle parking, car parking and electric vehicle charging facilities are necessary to provide continued satisfactory servicing of the development and to encourage cycling and travel by electric vehicles in the interests of reducing carbon emissions. I have removed the stated minimum specifications of the electric vehicle charging sockets to give flexibility to the main parties and reflect any changing circumstances.
31. A condition is imposed regarding boundary treatments to ensure sufficient sight lines are provided and maintained from the vehicle accesses.
32. No clear justification has been provided to demonstrate why permitted development rights should be restricted by conditions. Therefore, such conditions would not be necessary.

Conclusion

33. For the reasons given above and taking account of all matters raised, I conclude that the appeal proposal accords with the development plan as a whole. The appeal should therefore be allowed, subject to the conditions listed in the attached schedule.

G Sylvester

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: GRDN1-CBLS-00-ZZ-DR-A-0001 Revision P01, GRDN1-CBLS-00-ZZ-DR-A-0010 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-0011 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-0012 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-3001 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-3002 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-3601 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-3602 Revision P02, GRDN1-CBLS-00-ZZ-DR-A-3603 Revision P02 and GRDN1-CBLS-00-ZZ-DR-A-3801 Revision P02.
- 3) Notwithstanding the details shown on the approved drawings, no development shall take place until details of both hard and soft landscape works, together with a programme for their implementation, have been submitted to and approved in writing by the local planning authority. The hard and soft landscape works shall be carried out in accordance with the approved details and the approved implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) No development shall take place until details demonstrating how the development would achieve a 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the renewable energy provision for that dwelling has been implemented in accordance with the approved details and thereafter retained and maintained.
- 5) No development shall take place until details of the surface water drainage scheme for the site, together with a programme for its implementation, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and implementation programme, and thereafter retained and maintained.

- 6) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No dwelling shall be occupied until details for the provision of one bicycle parking space for that dwelling have been submitted to and approved in writing by the local planning authority. The approved bicycle parking space shall be provided before the first occupation of the dwelling which it serves, and thereafter kept available for the parking of bicycles and used for no other purpose.
- 8) No dwelling shall be occupied until the electric vehicle charging point for that dwelling has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the electric vehicle charging point shall be retained and maintained.
- 9) No dwelling shall be occupied until the vehicle access to the highway and the vehicle parking spaces serving that dwelling have been laid out and constructed in accordance with the approved drawings, and shall thereafter be kept available for the parking of vehicles and used for no other purpose.
- 10) No boundary treatments exceeding 0.6 metres in height above ground level shall be erected on the frontages of the dwellings hereby permitted.

End of schedule