



Appeal Decision

Site visit made on 16 May 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 JULY 2023

Appeal Ref: APP/M3645/W/22/3307677

2 Home Park, Hurst Green, Surrey RH8 0JU

- 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 Rob Berke against the decision of Tandridge District Council.
 - The application Ref TA/2022/415, dated 11 April 2022, was refused by notice dated 7 September 2022.
 - The development proposed is described as a "3 bedroom detached dwelling with off street parking at the rear of 2 Home Park facing Hurstlands".
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Decision

1. The appeal is allowed and planning permission is granted for a 3-bedroom detached dwelling with off street parking at 2 Home Park, Hurst Green, Surrey RH8 0JU in accordance with the terms of the application, Ref TA/2022/415, dated 11 April 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of the decision.

Preliminary Matters

2. I have shortened the development description in the decision for clarity and to remove words not describing acts of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal site is in a residential area comprising mainly detached and semi-detached houses of a variety of traditional and modern styles. Where houses face the street, their front building lines generally align. However, plot shapes and sizes, and therefore garden sizes, vary according to street layouts and the siting of dwellings. The overall character of the area is therefore diverse. No 2 Home Park is at the end of a group of four, two-storey detached houses of matching, modern appearance. Its corner plot is the longest of the four, which taper down in size. The houses in Hurstlands, including the semi-detached pairs closest to the appeal site, have a more traditional and generally uniform appearance, but also have varied plot sizes.
5. Given the generous dimensions of the host plot, both the existing and new houses would have enough space for a moderately sized garden. Whilst smaller than some in the neighbourhood, these gardens would have similar dimensions to several others nearby, including the one at No 35 Hurstlands and others in

Home Park. The front would broadly align with the prevailing building line on Hurstlands, albeit with a slight adjustment to accommodate the gradual bend in the road. The rear elevation would extend further back than the rear of No 35 Hurstlands but the different plot shapes mean this would not appear discordant. Overall, the change in plot configuration would not lack balance or have a detrimental effect on the character of the area.

6. The ridge and eaves heights of the new house would be different from those at No 35 Hurstlands but the variation would not be significant, and the new house would not dominate its neighbour. Its overall scale and form, with two storeys and a hipped roof, would complement others nearby. Its style would be more contemporary than that of most houses on Hurstlands. However, it would not be the only more recent dwelling on that road: there are others a short distance away that do not look out of place amongst the older dwellings, given the area's diverse character. I note the concern that render on certain parts of the proposed dwelling would be incongruous. Appropriate materials, finishes and design details can be secured by condition to help integrate the appearance of the new house.
7. I have addressed vehicular access under other matters and conditions below. Any reduction in communal verge area would be small-scale so would have limited effect on residents. Policy DP5 of the TLPDP is referred to by the Council in its reason for refusal, but that policy covers highway safety so is not directly relevant to the main issue in this appeal.
8. For the above reasons, I conclude the proposed development would not harm the character and appearance of the existing house or surrounding area. Accordingly, I find no conflict with Policy CSP18 of the Tandridge District Core Strategy (CS) and Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies (TLPDP). These policies require a high standard of design that reflects and respects local context. They also support development in residential gardens if the scheme is of an appropriate size and scale, reflects the prevailing curtilage size and variety of local dwelling types, and presents a frontage in keeping with the existing street scene. I also find no conflict with the Framework, which supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens.

Other Matters

9. Concerns have been raised about highway safety for cars, cyclists and pedestrians, including the vulnerable, using the crossover. I have imposed a pre-commencement condition to ensure a safe design for vehicle parking, access and crossover is secured before construction starts.
10. The Council is satisfied with the effect of the proposal on the living conditions of neighbouring occupiers, including external amenity space, daylight, sunlight, outlook and privacy. I see no reason to disagree with their conclusion on these points. However, compliance with the development plan in these respects is a neutral factor. There is little evidence lighting from the new house or glare from solar panels would harm the living conditions of neighbouring occupiers. I have included a landscape condition to ensure appropriate boundary treatments, including hedges, between properties are provided and/or retained and to compensate for the felled tree.

11. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. The length of the appellant's residence in the area and any history of other development proposals on the site are not matters that would justify withholding permission. The particular circumstances relating to the appeal proposal would be unlikely to be repeated elsewhere, so concerns about precedent are not a significant consideration.

Conditions

12. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
13. The pre-commencement condition on vehicle parking, access and crossover is necessary to ensure a safe highway layout is secured before construction starts. The appellant has agreed in writing to this pre-commencement condition. The conditions controlling the approach to site clearance and securing ecological mitigation and enhancement are necessary to safeguard ecology and biodiversity.
14. The conditions requiring approval of external materials and details of windows, entrances, parapets and copings are necessary to integrate the appearance of the new and existing dwellings. The condition requiring approval of hard and soft landscaping is necessary to integrate the appearance of the new and existing dwellings, protect the living conditions of neighbouring occupiers and secure new trees in accordance with Policy DP7 of the TLPDP.
15. Justification for conditions controlling rainwater pipes, vents, flues and grills, or for removal of freedoms to carry out small-scale alterations/extensions or erect outbuildings, is not specific and precise enough to meet the test of necessity. The Council is satisfied the development complies with Policy CSP14 of the CS so a condition on renewable energy is not necessary. A condition requiring an electric vehicle charging point is not necessary because it is not justified by development plan policy and this is covered by another regulatory regime.

Conclusion

16. I have found that the proposal would conflict with neither the development plan nor the Framework when each is considered as a whole. It follows that, even if the Council is not able to demonstrate a five-year supply of deliverable housing sites, triggering the presumption in favour of sustainable development, there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal. I therefore conclude the appeal should be allowed.

C Carpenter

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: PR/2HP/01B Existing and Proposed Street Elevations and Site Plans and PR/2HP/02A Proposed Elevations and Floor Plans.
- 3) Notwithstanding condition 2 development shall not take place until details of the vehicle parking, access and crossover, including visibility splays and levels, have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until the vehicle parking, access and crossover have been constructed in accordance with the approved details. The vehicle parking, access and crossover shall thereafter be retained.
- 4) Site clearance shall take place in accordance with the recommendations of the Preliminary Ecological Appraisal Report issued by Wychwood Environmental Ltd in March 2022.
- 5) Notwithstanding condition 2 no development above ground shall take place until details of the materials to be used in the construction of the external surfaces of the house hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding condition 2 no development above ground shall take place until details of windows, external doors, parapets and copings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development above ground shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) all proposed and retained trees, hedges and shrubs;
 - ii) planting plans and details of areas to be grass seeded or turfed;
 - iii) means of enclosure, including boundary treatments;
 - iv) hard surfacing materials;
 - v) minor structures, including refuse and other storage units;
 - vi) lighting;
 - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme. The landscaping works shall thereafter be retained. Any trees, hedges or shrubs 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.
- 8) No development above ground shall commence until details of ecological mitigation and enhancement works have been submitted to and approved

in writing by the local planning authority. The details shall include an implementation programme. The ecological mitigation and enhancement works shall be carried out in accordance with the approved details and the agreed implementation programme. Once implemented, the ecological mitigation and enhancement works shall thereafter be retained.