



Appeal Decision

Site visit made on 15 August 2023

Decision by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/M3645/W/22/3311144

5 Queens Park Road, Caterham, Surrey CR3 5RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to details required by a condition of a planning permission.
 - The appeal is made by Mr McAllister of McAllister Developments Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2022/245 dated 15 February 2022, was refused by notice dated 1 September 2022.
 - The development proposed is a reserved matters application for external appearance, scale and landscaping pursuant to Condition 2 of outline application TA/2020/1504.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely scale, appearance and landscaping, submitted in pursuance of condition No 2 attached to planning permission TA/2020/1504 dated 4 December 2020, and subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The principle of the development of a three storey building comprising 11 flats at the site has been established through the grant of outline planning permission. Therefore, the number and density of dwellings on the site has already been established. This appeal therefore only relates to the reserved matters pursuant to that outline permission, namely external appearance, scale and landscaping.
3. The appeal submission includes additional daylight, sunlight, overshadowing and ventilation information, which was not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. In this case, the additional information provides further details to respond to the Council's concerns in relation to overshadowing for neighbouring occupiers and daylight, sunlight and ventilation for future occupiers of the proposal. It does not include any design amendments to the proposal. For this reason, I consider that there would be no prejudice to any party by considering the additional information and I have therefore determined the appeal on the basis of the additional information.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area, with particular regard to scale, massing, and design;
- The effect of the proposal on the living conditions of the occupiers of 4 and 6 Queens Park Road with particular regard to privacy, outlook and daylight and sunlight;
- Whether or not the proposal would provide a satisfactory standard of accommodation for future occupiers, with particular regard to access to daylight, solar gain and natural ventilation; and
- The effect of the proposal on the character and appearance of the area, with particular regard to landscaping.

Reasons

Character and appearance

6. 5 Queens Park Road is a relatively large, detached dwelling with an expansive rear garden. The surrounding area is residential in character and the majority of the dwellings in this part of the road are set a similar distance back from the highway, behind front gardens with mature trees and planting or off street parking. There is space between many of the buildings and side boundaries, allowing views between the buildings, which often have large rear gardens.
7. Many of the properties on Queens Park Road are detached Edwardian houses with large gable ends fronting the highway and architectural details including bargeboards, bay windows, white render, red brick, decorative red tiles, variations of hipped roofs, chimneys, and brick patterning on facades. These features contribute to the architectural character of the area.
8. The proposal's ridge height would be taller than the ridge of the detached house at 6 Queens Park Road (No 6), but lower than the ridge of the neighbouring block of flats at 4 Queens Park Road (No 4). As a result, it would act as a visual transition between the two adjoining properties and would reflect the gentle slope of Queens Park Road, which rises from east to west. A generous separation would be maintained between the building's side elevations and the site's boundaries. Furthermore, its hipped roof form would pitch sharply away from the neighbouring properties, accentuating the separation distances and ensuring that views between the buildings would remain.
9. Whilst wider than No 6, the proposal would have a similar width to the purpose built, neighbouring block of flats at No 4. The proposal would reflect the scale of its immediate neighbour and would not appear as an uncharacteristically wide addition to the streetscene. Its feature gable ends would break up its massing, whilst reflecting the built form of many of the neighbouring properties on the street in terms of their roofscape design. Overall, the proposal's scale and built form would not appear at odds to neighbouring properties and it would be a comfortable addition to the streetscene, when viewed from Queens Park Road and in longer-range views across the adjacent public open space, Queen's Park.
10. The proposal would have contemporary elements such as recessed balconies and large, contemporary glazing on the front elevation. These features would be read as a contemporary reinterpretation of the bay windows which are

evident at many properties on Queens Park Road. The proposal's projecting gables, decorative bargeboards, use of white painted render and brickwork detailing, would also be consistent with the features found at many neighbouring properties, and would therefore reinforce the character and appearance of this particular part of the street scene and the wider area.

11. Paragraph 130 of the National Planning Policy Framework (2023) states that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change, such as increased densities. In this particular case, the scheme's design would sufficiently reflect the character and design features of other properties on Queens Park Road, for the reasons outlined above.
12. As confirmed by the outline permission, the proposal's footprint would be L-shaped, and it would extend further back into the plot than is generally characteristic on this part of the road. However, as a result of the appeal site's expansive rear garden, a significant proportion would remain free from built form. Furthermore, the site's thick boundary screening and the proximity to No 6, ensure that the proposal's depth would not be readily discernible from public viewpoints to the west of the appeal site.
13. When viewed from the east, the proposal's side elevation would be more visible. The elevation has a number of windows, some with brick soldier courses above, and a horizontal bargeboard feature. The elevation would be constructed with red brick at ground floor level and white painted render at first floor level. Collectively, these design features, which provide articulation and interest to the elevation, would sufficiently soften the elevation's overall appearance.
14. For the reasons outlined above, I conclude that the proposal 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). Taken together, these seek amongst other things, high quality design which integrates effectively with its surroundings, reflecting local distinctiveness and character.
15. The reason for refusal also refers to Policy CCW3 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021) (NP) which relates to optimising housing delivery and sets a range for housing density which proposals should follow. The principle of redevelopment and the proposal's housing density have already been established by the outline permission, and therefore consideration of density as required by this policy is not before me.
16. The reason for refusal refers to the Design Guidelines for the NP. Whilst I have not been provided with a copy of the Design Guidelines, the NP itself confirms that this design guidance was prepared to support the NP, and that clarification was provided through the Examination that the Guidelines are to inform the NP and not to be appended to it. The NP confirms that any statements in the Design Guidelines that they form part of the Neighbourhood Plan, or have significant weight in the planning system are incorrect.

Living conditions of neighbouring occupiers

17. No 6, which is the neighbouring property to the west of the appeal site, is a relatively large detached dwelling with an expansive rear garden. It has a number of ground and first floor side and rear windows to habitable rooms facing, or in close proximity to, the appeal site's boundary.
18. The plans submitted at outline stage were considered by the Council as illustrative, albeit they are listed as approved drawings on the outline planning permission. Nevertheless, they would have been useful in providing evidence that an acceptable scheme is capable of being devised at the reserved matters stage.
19. The outline planning permission establishes the principle of a three storey building and also grants approval for the site layout, including the footprint of the building. In determining the outline application, the Council would need to have been satisfied that reasonable levels of natural light for neighbouring occupiers could be achieved with the layout proposed, based on the nature of the site, the relationship with adjoining properties and the proposed amount of development as well as any guidance given by the indicative plans.
20. The sunlight assessment provided by the appellant confirms that No 6's rear garden will not experience a harmful level of overshadowing as a result of the proposal.
21. The submitted drawings denote a 45 degree line measured from No 6's nearest rear window. This is frequently used to provide an indication whether overdominance, overshadowing and loss of light would occur. The proposal would not breach the 45 degree guideline when taken from the rear nearest window of the neighbouring dwelling. Therefore, No. 6's rear windows would not experience a harmful loss of natural light.
22. The Council's assessment of the outline application confirmed that the separation distance to No. 6 was sufficient to prevent a loss of light to its windows. This assessment would have included the side facing windows at this property. The proposal's footprint and three storey height, fits within the parameters approved by the outline permission, and I have not been provided with substantive evidence to demonstrate that No 6's side windows would experience a loss of light which would be harmful to the neighbouring occupiers.
23. Furthermore, the design of the proposal is stepped, to prevent it projecting a significant distance beyond No 6's rear windows. This is particularly apparent at first floor level, which would be recessed back from the proposal's ground floor. As a result, the proposal's built form closest to the boundary with No. 6, projects only slightly beyond No. 6's rear windows, thereby reducing the potential for loss of light to the neighbouring occupiers. As a result, I find that the living conditions of the occupiers of No 6 would be not be harmed with reference to daylight and sunlight.
24. Policy DP7(7) of the LP states that in most circumstances, where habitable rooms of properties would be in direct alignment, a minimum privacy distance of 22 metres will be required. At ground floor level, there would be sufficient boundary screening between the proposal and No. 6 to prevent direct alignment between the windows. At first floor level, the proposal would have

two bathroom windows facing the neighbouring property. As these would be obscure glazed, they would not cause a loss of privacy to the neighbouring occupiers. A third first floor window, located within Unit 8, would face No. 6's garden. Due to its position, located towards the rear of the proposal, it would not be aligned with any windows within No. 6. It would be located a sufficient distance from the shared boundary to prevent harmful overlooking of the neighbouring garden.

25. At second floor level, the proposal would have rooflights on the roof plane facing No. 6. As a result of the angled nature of these windows, and the height of the bottom of the window above the internal floor level, it would not be possible for future occupiers to look directly towards the first and ground floor windows within No. 6.
26. Angled views to the rear parts of No 6's garden would be possible from the windows and balconies on the proposal's rear elevation. Properties on Queens Road already experience a degree of mutual overlooking between properties and gardens which is common within a residential area such as this. The mature planting along the shared boundaries would reduce the extent of views from the proposal's rear elevation into the garden. Given the separation distances, the angled nature of views, combined with the extensive mature boundary vegetation, I do not find that the proposal would result in a harmful loss of privacy for the neighbouring occupiers of No 6.
27. No. 4 adjoins the other side of the appeal site. Its side elevation has no windows to habitable rooms and consequently occupiers of this property would not experience a harmful loss of privacy.
28. The impact of the proposal on the neighbouring occupiers' outlook is not referenced within the Council's reason for refusal. Nonetheless, the Council's Statement and representations from the occupiers of No. 6 refer to the impact on their outlook. The Council indicate that the proposal would not achieve the 14 metres separation distance outlined within Policy DM7(7) of the LP. However, the policy is clear that this separation distance is used in assessments of impact on privacy, and not for assessing the proposal's impact on outlook.
29. Whilst there is no formal test identified to assess the impact on outlook and a subjective assessment is required, during my site visit I was able to view the proposals from No 6.
30. As previously mentioned, the site layout including the building footprint, including its separation distance from No. 6 has already been established by the extant permission. The boundary with No 6 is marked by dense, tall planting and vegetation which effectively screens views towards the appeal site. The proposal would be larger than the existing building at the appeal site, and would be constructed closer to No 6's side windows. However, the dense, tall boundary screening would screen the majority of views of the proposal when viewed from the ground floor windows. Further details of landscaping, including planting along this boundary will be secured by a planning condition. These details, which will require approval from the Council, can secure additional suitably dense planting along the boundary. Whilst the proposal would be visible from the first floor side facing windows, due to the separation distance, and the hipped roof design which would pitch away from the shared boundary, this would not have a harmful impact on outlook.

31. The external area between No 6's side elevation and the shared boundary, provides a side passage to the rear garden and an area for seating with a bench and table. The existing boundary screening would screen the majority of views from this area.
32. Overall, the combination of the separation distance and substantial, dense boundary screening would ensure that the proposal would not be overly oppressive to the extent that it would significantly harm the level of outlook for occupiers of No 6. In coming to this view, I have taken into account the levels difference between the neighbouring property and the appeal site.
33. Accordingly, I find no conflict with Policy CSP 18 of the CS or Policy DP7 (7) and (8) of the LP. Amongst other aspects, these seek to protect the living conditions of occupiers of neighbouring adjoining properties from unreasonable visual intrusion, loss of privacy and loss of daylight and sunlight.

Living conditions of future occupiers

34. The 3rd edition of the BRE Site layout planning for daylight and sunlight – A guide to good practice, dated 2022 (the BRE Guide), provides guidance on daylight and sunlight levels. The BRE Guide outlines the illuminance method for calculating daylight to the proposed flats. This sets minimum target illuminances of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens.
35. The appellant has submitted an assessment of the proposals against the BRE guidance. Of the 31 rooms assessed, 5 rooms would not meet the lux targets. Each of these are bedrooms. However, each of the living/kitchen rooms, where future occupiers are likely to spend the majority of their time would exceed the minimum lux target.
36. The site layout, which was established by the outline planning permission, does not enable every unit to have a south facing aspect. However, the sunlight assessment confirms that 65% of living areas will achieve the BRE recommendation for sunlight exposure. Importantly, each living area which would not meet the target for sunlight exposure, would exceed the daylight lux targets.
37. Overall, relatively few of the rooms within the proposed homes, would fail to meet the BRE daylight standards. Certain 'pinch points' are to be expected in a proposals in involving flats, and where design features such as balconies can reduce daylight entering units, as is the case in this instance. Importantly, each individual home, when considered in the round, would provide sufficient natural light levels to provide satisfactory living conditions for future occupiers,
38. The Council has expressed concerns about ventilation and solar gain, but has provided limited further detail. I have not been directed to any policy in the development plan which provides targets or further guidance on these issues. Units 3 and 6 are not single aspect as they have secondary side facing windows. Unit 7 is the only entirely single aspect unit within the proposal. It would be one bed unit, which would have large openable doors within its kitchen/living room which would ensure sufficient ventilation. As a north facing unit, it would not suffer from harmful solar gain.

39. The proposal would, therefore, provide satisfactory living conditions for future occupiers. Consequently, it would comply with Policy DP7(8) of the LP which requires acceptable living conditions to be achieved.

Landscaping

40. The appellant's Planting Plan Overview details generous planting of hedges, shrubs and perennials throughout the appeal site.
41. However, whilst there is already mature planting and screening along the site's western boundary there is a lack of clarity as to which trees are proposed to be retained or replaced. The Council has suggested a planning condition requiring details of soft landscape works, including retained trees and specifications for proposed tree planting. Subject to the imposition of a planning condition requiring details of the soft landscaping, including additional medium and large sized trees, I am satisfied that suitable landscaping to enhance the character of the area would be achieved on site.
42. Subject to the imposition of the condition, I find no conflict with Policy DP7 of the LP, which amongst other things, requires that landscaping is an integral element in the design of the proposal, making provision for suitable new planting, trees and boundary treatments to enhance the appearance of the site.

Other Matters

43. Concerns have been raised that surface water drainage details have not been submitted. However, a condition on the outline permission, which remains enforceable, requires these details to be submitted before the development commences. The submission of these details will secure measures to mitigate flood risk.
44. In relation to the comments received about the lack of pavement on Queens Park Road, the need for repair of the highway surface on the road, noise and disturbance and light pollution to both neighbouring occupiers and the nearby park, and additional pressure on local services such as local schools and doctors surgeries, the principle of the redevelopment of the site for a building comprising 11 flats has already been established through the grant of outline planning permission. Therefore, these matters have already been fully considered and are not before me.
45. Having regard to both construction traffic, a 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.
46. Interested parties also state that the proposed development would harm highway safety, with concerns raised about an increase in traffic and parking. The appeal proposal provides 15 car parking spaces for 11 dwellings which would result in a limited increase in local traffic. Overall, the parking areas are of a sufficient size for the vehicles and a turning area would enable vehicles to enter and leave the site in a forward gear. Furthermore, the Highway Authority have raised no objection to the appeal proposal. Based on the evidence before me, I see no reason to disagree with this conclusion.
47. Turning to matters concerning the impact of the proposal on biodiversity, including insects, a condition was imposed on the outline permission which requires development to be carried out in accordance with the ecological

enhancements identified within the Preliminary Ecological Appraisal which was submitted with that application. This will safeguard ecological interests within the site and enhance biodiversity.

Conditions

48. 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.
49. I have imposed an approved plans condition in the interests of certainty.
50. A condition requiring the development to be constructed in the external materials identified within the approved drawings is necessary in the interests of the character and appearance of the area.
51. I have included a condition to require obscure glazing within the first floor bathroom windows in the proposal's western elevation. This is necessary in order to protect the living conditions of neighbouring occupiers.
52. I have imposed a condition requiring the submission of soft landscape details in the interest of character and appearance. However, I have modified the wording as the details are not required prior to commencement of the development. I have also combined the two separate landscape conditions suggested by the Council to prevent unnecessary repetition.
53. I have not imposed Surrey County Council's suggested conditions in relation to electric vehicle charging points and the provision of cycle parking, as conditions to that effect are imposed on the outline planning permission.

Conclusion

54. For the above reasons, and having had regard to all other matters raised, 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 be carried out in accordance with the following approved plans: 020-EX-GA00 Rev. P1 – General Arrangement Existing Ground Floor Plan, 020-EX-GA01 Rev. P1 – General Arrangement Existing First Floor Plan, 020-EX-GA02 Rev. P1 – General Arrangement Existing Second Floor Plan, 020-EX-GE01 Rev. P1 – General Elevations Existing Front and Rear, 020-EX-GE02 Rev. P1 – General Elevations Existing Side Elevations, 020-GA00 Rev. P1 – Proposed Site Plan, 020-GA01 Rev. P1 – General Arrangement Proposed Ground Floor Plan, 020-GA02 Rev. P1 – General Arrangement Proposed First Floor Plan, 020-GA03 Rev. P1 – General Arrangement Proposed Second Floor Plan, 020-GA04 Rev. P1 – Proposed Roof Plan, 020-GE00 Rev. P1 – General Elevations Steet Elevation, 020-GE01 Rev/ P1 – General Elevations Proposed Front and Rear, 020-GE02 Rev. P1 – General Elevations Existing Side Elevations, 020-GE03 Rev. P1 – General Elevations Site Elevation, 020-GS00 Rev. P1 – General Sections Proposed Site Sections, 020-S00 Rev. P1 – Site Location Plan, 020-S01 Rev. P1 – Existing Site Plan, General Layout Rev. 2, Quantities and Materials (dated 14/02/2022), Planting Plan Overview (dated 08/02/2022), Five Year Maintenance Plan (Ref. HKD07.001, February 2022), Planting Schedule (Ref. HKD008.001, February 2022), Setting Out Plan (dated 14/02/2022).
- 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved drawings.
- 3) The development hereby permitted shall not be occupied until the first floor bathroom windows on the western elevation of the development have been glazed with obscure glass. The windows shall be openable only above a height of 1.7m above the internal floor level of the rooms which they serve. The windows shall be permanently retained in that condition thereafter.
- 4) The development hereby permitted shall not be constructed above the damp proof course of the new building until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The relevant landscape works shall be carried out in accordance with the approved details.

The details of soft landscape works shall include retained trees and full specifications for all proposed 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. Proposed trees shall comprise of a mix of native and non-native species of varying sizes at maturity, and shall include large species trees where possible.

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 either during development or 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.

END OF SCHEDULE