



Appeal Decision

Site visit made on 11 July 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal Ref: APP/M3645/W/22/3313522

Wayside, 542 Limpsfield Road, Warlingham, Surrey CR6 9DS

- 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 Daniel Brown, VITA Property Developments London Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2022/889, dated 22 June 2022 was refused by notice dated 13 December 2022.
 - The development proposed is described as demolition of existing dwelling and erection of 4 terrace houses, including hard and soft landscaping etc.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In response to the Council's 3rd reason for refusal, the appellant has submitted a Bat Emergence Survey (BES) to this appeal. In accepting this I am satisfied that the timing of this at the final comments stage was governed by the seasonal specific timeframes for carrying out the survey work. Furthermore, the Council and interested parties have been given opportunity to respond to this evidence and I have taken account of those. I am satisfied that in making my determination no prejudice to any party has occurred as a consequence.
3. The Council has confirmed that it cannot demonstrate a five-year housing land supply and that there is a persistent under delivery of housing against the area's requirement. Therefore, necessarily I have made my determination in the context of paragraph 11d of the National Planning Policy Framework ("the Framework").

Main Issues

4. The main issues are:
 - the effect of the proposal on protected species, with particular regard to bats and starlings;
 - the effect of the proposal on the character and appearance of the area with particular regard to scale, massing design and layout; and
 - the effect of the proposed car parking provision on highway safety.

Reasons

Protected species

5. The submitted evidence confirms that there are records of bats and records of bat licence applications within 1km of the appeal site and that the local area provides fragmented foraging and commuting corridors for bats. The appellant's Preliminary Ecological Appraisal (PEA) confirms that the existing dwelling's roof shows areas of disrepair and potential bat roost features that could provide access for crevice dwelling bats. Overall, the building has been evidenced as having a moderate suitability for roosting bats.
6. The submitted BES concludes that given the relatively low level of bat commuting activity, no impacts are expected in that regard. Significantly however, although all existing trees within the appeal site would be felled, contrary to the PEA, the BES does not provide any such assessment of the impact of this on roosting bats. For this reason, the appellant's evidence does not sufficiently demonstrate that there would be no impacts on bats overall.
7. The BES evidences starlings' nests around the external areas of the appeal building. However, the BES details recommendations and mitigation measures to address this, and these are not disputed by the Council. In the absence of any evidence to the contrary, I am satisfied that adequate safeguards could have been secured through an appropriately worded planning condition, had I been minded to allow the appeal.
8. However, in overall conclusion, the evidence which is before me does not adequately demonstrate that the appeal proposal would not be harmful to protected species, with particular regard to bats.
9. Policy CSP17 of the Tandridge District Core Strategy (2008) (TDCS) and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (TLP) amongst other things, seek to conserve and enhance biodiversity and promote nature conservation and management. In view of my conclusion of the effect on bats, the appeal proposal conflicts with both of these policies.

Character and appearance

10. The character of this part of Limpsfield Road is defined by largely linear residential frontages, with a mixture of detached and semi-detached houses and bungalows, set back from the road with gardens and off-street parking to the front and modest private gardens to the rear. There is variation in the design of the dwellings, including a mixture of pitched and hipped roofs, asymmetrical roof planes or gable end features to building frontages. There is also variation in external materials, including, hanging tiles, bricks, painted render and pebble dash. Opposite the appeal site are two blocks of purpose built flats which provide further variation to the character of the area.
11. The appeal property is a large two storey, detached dwelling on a corner plot. Unlike the majority of nearby properties it sits at an angle to the road, so that it has a large front garden and parking area and a smaller rear garden. On the opposite side of Blanchmans Road, 550 Limpsfield Road (No 550) is angled in an identical position and the two properties share design similarities.
12. The design of the proposed terrace would reflect the built form of the neighbouring properties, Nos 540, 538, 536 and 534 in terms of its finished height and roofscape design. The proposed external materials and fenestration, whilst of contemporary design, would be consistent with, and therefore

reinforce, the character and appearance of this particular street scene and the wider area.

13. The proposal's footprint would be larger than that of the existing building and consequently would draw closer to the site's boundaries. However, its hipped roof and cat slide design would help reduce its bulk closest to the site boundaries. There are also a number of properties, notably those on the opposite side of Limpsfield Road, which are built close to their site boundaries. As a result, I do not consider that this would be a particularly uncharacteristic feature.
14. The appeal proposal would mean that the appeal site would no longer mirror No 550, in terms of their respective positioning, spacing, form and scale. Paragraph 130 of the Framework 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 positioning and design would sufficiently reflect the character and appearance of other properties on Limpsfield Road.
15. I understand that there is a proposal for the future redevelopment of No 550 in a similar manner to the appeal proposal. However, the submitted evidence does not include a details of an extant planning permission for that site, and therefore the potential redevelopment of the neighbouring site does not weigh in favour of the proposal.
16. Whilst the proposal's rear gardens would be smaller and narrower than nearby properties' gardens, the demolition of the existing building and re-alignment of new building would have the effect of opening up the rear part of the appeal site, which would be visible from Blanchmans Road. The submitted drawings specify a distance of 11.3 metres from the proposal's rear elevation to the shared boundary with the neighbouring property on Blanchmans Road. This would be greater than the separation which currently exists between the existing building and the boundary. Consequently, the rear of the plot would appear more open and spacious and would prevent the proposed dwellings from appearing cramped within their smaller plots.
17. The proposal's side elevation would project forward of the main frontages of properties on Blanchmans Road and so be closer to the public footway and road. The submitted drawings show a 14.8 metre separation between the side elevation of No 2 Blanchmans Road and the proposal's rear elevation. This distance would ensure an appropriate visual transition. Due to its position in the plot, the proposal may be more prominent than the building it is replacing. However, in view of my findings on design, this element would not prove to be harmful in visual terms.
18. Overall, although there would be an increase in the number of dwellings within the site, the proposal would result in a small coherent grouping of buildings which would successfully assimilate with their built context.
19. For these reasons, the appeal proposal would not harm the character and appearance of the area with particular regard to scale, massing design and layout.

20. Policy CSP18 of the TDCS, and Policies DP7 and DP8 of the TLP expect development to protect the character of the area, ensuring that development is appropriate to the surrounding area in terms of its size and scale, and that proposal reflect the variety of local dwelling types. In view of my findings, there is no conflict with these policies.

Highway safety

21. My attention has been drawn to the Tandridge Parking Standards Supplementary Planning Document (2012) (SPD) which outlines a requirement for 2 allocated spaces to serve each 3-bedroom dwelling and 1 additional unallocated space per 4 dwellings. This would generate a requirement for 9 spaces across the whole development. The submitted drawings show that there would be a shortfall of 3 spaces against this standard.
22. TLP Policy DP7 further states that proposals should have regard to the adopted parking standards and not result in additional on-street parking where this would cause congestion or harm. While I acknowledge the shortfall in parking against the SPD standards, the submitted Transport Statement details a local parking survey, which confirms local parking stress within approximately 200 metres walk from the site of approximately 20%. On my visit, which I acknowledge is a snapshot in time, I experienced limited on-street parking on Blanchmans Road during mid-morning on a weekday. There is no clear evidence before me of an existing local parking problem.
23. Significantly, the appeal site is within walking distance of local shops, including a large supermarket, and facilities in Warlingham as well as local bus services and has been evidenced as having good access to public transport. Future occupiers would therefore benefit from opportunities to travel by modes other than by private vehicles, reducing reliance on these and the requirement for on-site parking.
24. The Council has not raised any other concerns in highway safety terms and no substantive evidence challenging the appellant's parking survey results or demonstrating otherwise has been submitted to this appeal.
25. Consequently, I am satisfied that the proposed parking provision would be adequate to serve future occupiers and that, in the event that there was additional on-street parking as a result of the development, this would not cause unacceptable congestion or other harm to highway safety.
26. Policies DP5 and DP7 of the TLP require that proposals have regard to the SPD, and that proposals do not result in additional on-street parking where this would cause congestion or harm to highway safety. Policy CSP12 of the TDCS states that the Council will have regard to the adopted parking standards.
27. In finding no unacceptable harm, I find no conflict with any of these policies in regard to this main issue. The proposal also complies with the paragraph 111 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Presumption in favour of sustainable development

28. Paragraph 11 of the Framework states that decisions should apply a presumption in favour of sustainable development. In view of the current

housing land supply position and the identified conflict with the development plan, in this instance this means granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

29. In this instance, the policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.
30. The submitted evidence indicates a shortfall in both housing land supply in the order of 1.57 years and the Council have delivered only 38% of its required housing over the past three years. This demonstrates inadequate housing delivery has been persistent. In this context I recognise that the appeal proposal would provide a small increase in the supply of additional new homes in the area and there is nothing before me which indicates that this could not be within the next 5 years. I attach significant weight to the potential contribution that the appeal proposal would make to each of these shortfalls.
31. The proposed intensification of use that would result would represent a more effective use of land which is encouraged by paragraph 119 of the Framework. In the absence of any direct harm arising as a consequence of this, I attach moderate weight to this benefit.
32. The appeal proposal would create employment, and support growth during the construction period albeit for a limited time. Given the accessible nature of the appeal site there could be a boost in the spending power of the local economy, would also help support services in the surrounding area. Although paragraph 181 of the Framework recognises in terms of benefits this significant, in this instance I attach limited weight to it given the actual level of benefit has not been evidenced and would be limited by the low level of additional dwellings proposed. The development would be liable for the Community Infrastructure Levy, contributing towards new and improved local facilities, open space, and vital services to mitigate the effects of the increase in homes in the area. As such, this matter is a benefit to which I attribute very limited weight.
33. The appeal site falls within an area where housing growth is generally supported by the Local Plan and the appeal scheme does not give rise to any further conflicts with the policies of that plan. However, these matters are of neutral consequence to my assessment.
34. Paragraph 180 of the Framework sets out the principles for how decisions should protect and enhance biodiversity. Policy CSP17 of the TDCS and Policy DP19 of the TLP are consistent with the Framework. In view of my conclusions on the effect on a protected species, the appeal proposal conflicts with both the Framework and the development plan. Having regard to the statutory provisions protecting these species, I attach considerable weight to that potential for harm. I have identified no other harm. Crucially however, the potential ecological harm that I have identified significantly and demonstrably outweighs the benefits of the appeal proposal outlined earlier when assessed against the policies in the Framework taken as a whole.

Planning Balance

35. The potential for harm that I have found to a protected species is a significant matter and leads me to conclude that the proposal would conflict with the development plan as a whole. The presumption in favour of sustainable development has not been demonstrated in this instance. There are no matters weighing in favour of the appeal proposal that either individually or collectively justify a decision being taken contrary to the development plan, including the contribution to the supply of housing in the area that would arise.

Conclusion

36. For the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR