



Appeal Decision

Site visit made on 20 September 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2023

Appeal Ref: APP/M3645/W/23/3315896

Land to the rear of 3 The Parade, Tatsfield TN16 2AQ

- 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 Ms Vanessa Mitchell of Oyster Investments Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2021/1922, dated 2 November 2021, was refused by notice dated 2 August 2022.
 - The development proposed is the demolition of existing buildings, erection of 2x duplex flats, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally dated 20 September 2021, but the application form was missing some details. The information in the banner heading above is taken from an amended application form dated 2 November 2021.
3. An additional site location plan (ref 433-00 Revision C) was submitted indicating that land to the south is in the same ownership as the appeal site. As this does not modify the proposed development, it would not cause prejudice to interested parties, and I have had regard to the additional site plan in my determination of the appeal.
4. There was a previous application for two dwellings on this site which was refused by the Council (planning application ref TA/2020/1656). The parties make comparisons between the current proposal and the previous one, but I must determine the proposal on its merits based on the plans before me.
5. The appeal documents refer to the emerging Tatsfield Neighbourhood Plan, but the parties agree that this is not sufficiently advanced to carry weight.
6. The appellant's general dissatisfaction with their interactions with the Council during the application process is a matter between those parties and it cannot have any bearing on my determination of the appeal.

Background and Main Issues

7. The site is within a defined Green Belt Settlement that is washed over by the Green Belt in terms of Policy CSP1 of the Tandridge District Core Strategy 2008 (CS) and Policy DP12 of the Tandridge Local Plan Part 2 Detailed Policies 2014 (LPDP). These policies allow infilling within an existing substantially developed frontage and the partial or complete redevelopment of previously developed land, even if this goes beyond the strict definition of infilling. Neither party

contends that the proposal contravenes local or national Green Belt policies and, from the evidence and my observations on site, I have no reason to disagree. Therefore, the main issues are:

- whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the provision of external amenity space;
- the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to privacy, outlook, light, provision for refuse and cycle storage, and parking and vehicle manoeuvring; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions – future occupiers

8. The site lies adjacent to Tatsfield Village Club, behind a commercial and residential building facing The Parade, with terraced dwellings to the north. It is accessed from Westmore Road which it shares with flats 3, 3a and 3b The Parade (Nos 3, 3a and 3b).
9. A balcony on the south elevation would provide the external amenity space for flat A. The location of the balcony opposite a blank upper floor wall together with the proposed 1.7m high side timber privacy screen would ensure that there would be no harmful overlooking of this space from the external stairs and rear windows of Nos 3, 3a and 3b. However, its proximity and level relative to the adjacent Tatsfield Village Club car park would result in disturbance from people and cars using the car park and exhaust fumes from cars entering and leaving. This would not provide a satisfactory external space for the future residents of this flat.
10. An external amenity space would be provided outside the living room for flat B. There are no minimum amenity space standards in local policies and both flats would exceed the minimum internal space standards. However, the small area would be surrounded by the proposed two storey structure to the south, boundary walls and the parking space screen, creating a very enclosed, overshadowed, poor quality space. This would be harmful to the living conditions of the future occupants of this flat.
11. The proposed amenity spaces would exceed the sizes required by the London Plan, but these policies do not apply in this area. Although they would be larger than those for the neighbouring flats and others in urban locations, the spaces would not provide satisfactory external areas. The location of No 3's amenity space at a lower level than the proposed balcony, behind a boundary wall, means that its occupants are not harmed by use of the car park. The appellant refers to the large space to the road frontage, but this is a driveway rather than a private amenity area. Additionally, although the site has easy access to Westmore Green open space and the wider countryside, this has a different function to a private space and does not replace the need to provide it.
12. Therefore, I conclude that the proposal would provide unacceptable living conditions for future occupants, with particular regard to the provision of external amenity space. This would be contrary to Policy CSP18 of the CS and

Policy DP7 of the LPDP where they require proposals to provide amenity areas proportionate to the size of the residential units and appropriate for the intended occupiers. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for future users.

13. Reason for refusal 2 also refers to Policy DP22 of the LPDP but this relates to minimising contamination, hazards and pollution and the proposal accords with this policy.

Living conditions – neighbouring occupiers

14. There are ground and upper floor flats immediately south of the site at Nos 3, 3a and 3b, a dwelling to the south east at No 1 The Parade (No 1) and terraced houses to the north at 20 Wedgwoods (No 20) and 3 Westmore Road.
15. No 3 has an external patio located south of the proposed building. Although there would be a side privacy screen on the proposed balcony for flat A, the position of the balcony facing the existing patio only a short distance from it, together with the lower-level railings around the rest of the balcony mean that those using this space would directly overlook the neighbouring patio. This would harm the living conditions of the occupiers of No 3.
16. Nos 3a and 3b have an upper-level external platform adjacent to a two-storey building projection. Whilst there would be some overlooking of this from users of the proposed balcony, the distance between the existing and proposed spaces, the position of the platform relative to the existing structure and proposed balcony, and the proposed side privacy screen, mean that there would not be a harmful loss of privacy to the occupants of Nos 3a and 3b.
17. The existing boundary fence between the appeal site and No 1, the proposed 1.7m high balcony privacy screen and the proposed obscure glazing to the closest upper floor front windows would ensure no harmful overlooking of this neighbouring property from the rooms and external spaces in the proposed dwellings. Although parts of the development would be visible from the rear windows and garden of No 1, the distance of the proposed building from the neighbouring boundary and dwelling mean that it would not be too close or dominate the outlook from this property.
18. Flat B's external amenity and car parking space would separate the proposed building from the mutual boundary with 3 Westmore Road and No 20. Parts of the proposed structure would be visible from the rear rooms and gardens of these properties and its relative position is likely to cause some additional overshadowing to small areas of their gardens at certain times of the year. However, the length of these neighbouring gardens and the separation distances between the existing and proposed buildings mean the development would not have an undue overbearing effect or cause harmful overshadowing to the rear rooms and gardens of these properties. As no upper floor or roof windows would face No 20, the proposed dwellings would not cause loss of privacy to the occupiers of this property.
19. At the time of my site visit, although only a snapshot in time, no cars were parked within the site and the bins for flats 3, 3a and 3b were stored alongside the building and under the existing staircase. There is no rear access to the businesses fronting The Parade and no evidence that they use the site for bin stores. The areas shown for bike storage space, parking and vehicle

- manoeuvring as part of the approved plans for flat 3 (planning permission ref TA/2018/280) were formed of gravel and hardstanding.
20. There are concerns about the impact of the proposal on refuse and cycle storage, parking and turning space associated with 1-3 The Parade (Nos 1, 2 and 3). No 1 is an independent site with a separate access and No 2 is a shop unit with no rear access so the occupiers of these properties would not be compromised by the proposed site layout.
21. The plans include a relocated parking space for No 3 but the appellant indicates that the Council has subsequently approved the removal of the required parking space (and consequently the associated turning space) for this flat by varying condition 5 of planning permission ref TA/2018/280. Given that this parking space is no longer required, and the cycle store would be relocated to the existing amenity area, the proposal would not compromise the space allocated for cycle storage, parking and turning space for the occupiers of No 3. The appellant states that the bin store for the existing flats would be underneath the staircase. From my observations on site, this would be similar to the existing situation and there would be sufficient space within the site to accommodate them. Therefore, the proposal would comply with Policy CSP12 of the CS and Policies DP5 and DP7 of the LPDP where they require the provision of safe and suitable access to sites and bicycle storage facilities.
22. Reason for refusal 4 relates to the delivery of planning permission ref TA/2018/280 and the breach of conditions 2 and 5 relating to the plans, parking and bicycle storage. I have found no harm in relation to turning space, parking and cycle storage for No 3. The plans show an amendment to the previously approved access staircase for Nos 3a and 3b. Given the variation to condition 5 of the earlier planning permission, the revised staircase position would not be an obstacle to cycle or refuse storage or the parking or manoeuvring of vehicles. The procedural issue of whether this requires a further variation of conditions is a matter between the parties.
23. I appreciate that there have been no objections from immediate neighbours, but this does not alter the harm that I have found to the occupiers of No 3.
24. Whilst the development would not harm the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook, light, provision for refuse and cycle storage, and parking and vehicle manoeuvring, I conclude that it would harm the living conditions of the occupiers of No 3 with particular regard to privacy. This would be contrary to Policy CSP18 of the CS and Policy DP7 of the LPDP where they require proposals to not significantly harm the privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking. It would also be contrary to the Framework which requires decisions to provide a high standard of amenity for existing users.

Character and appearance

25. The area has a mix of building styles which reflects the varying periods of development of Tatsfield village. In the immediate vicinity, the properties are predominantly two storeys with tiled roofs and a variety of wall finishes. The site contains a large outbuilding and garage which are in poor condition.

26. The proposed building, driveway and parking areas would occupy much of the site, creating a layout which would provide small, poor quality external amenity spaces for the future occupants and would unacceptably harm the privacy for the occupiers of No 3. There are no policies which preclude two-storey dwellings, the appellant considers that the site is large enough to accommodate two dwellings and the parties agree that the height, scale and massing of the proposed structure would be appropriate. Further, although it would exceed the density range in Policy CSP19 of the CS, its density would be lower than the neighbouring development at Wedgwoods. However, as the design and layout would not achieve a satisfactory living environment for existing and future occupiers, it would be a cramped form of development and inappropriate intensification of the site.
27. The proposed barn style structure would replace the existing buildings in poor condition. The use of flint stone materials at ground floor level would be appropriate given examples of its use close by. However, the introduction of upper floor horizontal timber clad walls would not reflect the brick, render and hanging tile wall finishes prevalent in the immediate locality and would be discordant in views from Westmore Road. Whilst the appellant would consider a render wall finish, this is not the scheme that is currently before me.
28. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy CSP18 of the CS and Policies DP7 and DP12 of the LPDP. Together, these require new development to be of a high standard of design that respects the character of the village and does not result in overdevelopment or unacceptable intensification by reason of spacing and design, amongst other things. It would also conflict with the Framework where it requires developments to function well and add to the overall quality of the area and to be sympathetic to local character.

Planning Balance

29. The Council accepts that it is currently unable to demonstrate a five year supply of deliverable housing sites. Therefore, paragraph 11(d) of the Framework is engaged. The Framework seeks to boost the housing supply and highlights the important contribution small sites can make, whilst supporting development which makes efficient use of previously developed land. The proposal would provide a modest net contribution of two additional small dwellings on a small site which would make better use of brownfield land in a village location within Tatsfield, close to services and with access to public transport, and contribute towards Tandridge's housing supply. The principle of development in this location complies with Policy CSP1 of the CS. However, two additional houses would make little difference to the overall supply of housing, and I attribute modest weight to this benefit.
30. There would also be some economic benefits during the construction phase when the development would provide local employment and once occupied when future residents would support local shops. However, given the relatively small scale of the proposal, these benefits would be limited.
31. The appellant states that the development would include biodiversity enhancement measures and renewable energy provision to mitigate climate change. As all developments should contribute to these objectives, I attach only some weight to these benefits.

32. In contrast, the proposal would result in unacceptable living conditions for future and existing occupiers and substantial harm to the character and appearance of the area. The Framework requires developments to provide a high standard of amenity for existing and future users, function well, add to the overall quality of the area, and be sympathetic to local character. I have concluded that the proposal would conflict with development plan Policies CSP18, DP7 and DP12 and the Framework in these respects. I give these matters significant weight.
33. Consequently, the unacceptable harm to living conditions and the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the maximum weight that could be attached to any benefit through increasing the supply of housing would not be determinative and the presumption in favour of sustainable development does not apply.

Conclusion

34. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR