



Appeal Decision

Site visit made on 27 October 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/M3645/W/23/3321325

31A Banstead Road, Caterham, Surrey CR3 5QH

- 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 D Bhatia (Home Build Centre (Caterham) Ltd) against the decision of Tandridge District Council.
 - The application Ref TA/2023/155, dated 6 February 2023, was refused by notice dated 21 April 2023.
 - The development proposed is described as 'conversion and extensions of the first floor flat, external balcony and roof space at 31A Banstead Road to create three new apartments (net increase of 2).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have taken the description of the proposed development from the application form. The Council's amended description includes more explicit reference to the design of the proposed roof extension. These alterations are detailed on the plans, and I have had regard to them when considering the appeal.
3. My attention has been drawn to various policies in the submission version of the emerging Tandridge District Council Local Plan 'Our Local Plan: 2033', which was submitted for examination in public in 2019. However, the reasons for refusal do not identify any specific conflict with any emerging policies and I have been given little evidence as to their current status. On that basis, I have given the emerging Local Plan limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposed development on demand for on-street parking and consequently on convenience and accessibility for local residents and future occupiers of the development, and
 - its effect on the character and appearance of the area.

Reasons

Parking

5. The appeal site is a two-storey building on a corner plot at the junction of Banstead Road and Oak Road. It currently contains two one-bedroom ground

floor flats, converted from a former shop unit, with a two-bedroom flat above. A shop unit in an adjacent building is also being converted to residential use and there are purpose-built flats in a three-storey building beyond that.

6. There was no off-street parking readily available on the site at the time of my site visit. An area at the rear, which was shown as providing parking spaces on a plan submitted with a previous application, was obstructed by locked gates and a parked van. The small forecourt to the building was more accessible, but this is not clearly laid out as a parking area. No parking spaces are shown on the proposed plans.
7. On-street parking is available on Banstead Road and several cars and vans were parked there at the time of my site visit. There was some interruption to the flow of traffic, when larger vehicles needed to pass. However, in general two-way traffic was flowing without obstruction.
8. Parking is also available along Oak Road. This is a residential street of modest houses, many of which have no driveway or other off-street parking provision. At the time of my site visit there was continuous parking along both sides of the road, including several vehicles parked across the pavement. This pattern continued along a significant length of Oak Road. Parked cars restricted pedestrian accessibility along the pavements on both sides of the road, as well as preventing two-way traffic on the carriageway. The pavements on Auckland Road were not similarly obstructed, but the areas available for parking near the junction with Banstead Road were also under pressure.
9. Although this represents only a snapshot in time, the conditions I observed correspond with descriptions in the Council's Officer Report and Statement of Case, as well as in representations from interested parties. These describe how on-street parking around the site affects local residents. Reference is made to the obstruction of pavements by parked vehicles, requiring residents to walk in the road, creating a risk of conflict with oncoming vehicles and raising particular difficulties for those using mobility aids. It is also mentioned that elderly and disabled residents find it difficult to cross Banstead Road to use the post box next to the appeal site, due to parked vehicles obstructing visibility.
10. The site is within walking distance of local shops and services at Westway and Chaldon Road. These include a library, primary school, GP surgery and several shops, which can be accessed via a public footpath from Oak Road. As such, this location provides facilities which are likely to be in demand by residents of the area around the site, including older people, those with disabilities and families with young children. Oak Road is the most direct route to those facilities, by virtue of the footpath link.
11. Given the ready access to local services, future occupiers of the proposed flats need not be entirely reliant on travel by car. There are also bus stops within walking distance, providing access to public transport. The appellant describes the proposal as a car-free development and proposes measures such as cycle parking to encourage travel by alternative means. However, no mechanism is proposed to prevent future occupiers from owning one or more private vehicles. Therefore, given that the proposal would both prevent parking within the existing area to the rear of the building and increase the number of flats on the site by two units, it is highly likely that there would be a materially increased demand for on-street parking.

12. While the availability of unrestricted parking within a short distance of the site is potentially beneficial to future occupiers, there would be adverse consequences in terms of the increased pressure for its use. Although the proposed flats would each have a single bedroom, that would not prevent occupation by more than one person or ownership of more than one vehicle per flat. The consequent increase in demand for parking would be focussed within an area which is already intensively used to the detriment of local residents. In this context, even a modest increase in demand would be materially harmful.
13. Neither the Council nor the Highways Authority have alleged any harm to highway safety or any conflict with paragraph 111 of the National Planning Policy Framework (the Framework). However, the Highways Authority did allude to 'amenity issues' associated with the lack of parking. Although that is a broad term, it would encompass the inconvenience and obstructions to accessibility as outlined above. Furthermore, given the issues described by interested parties, there is evidence that parking pressure in this area has a disproportionately adverse effect on pedestrians with protected characteristics associated with their age or disability. Therefore when considering this aspect of the appeal I have had due regard to the relevant aims of the Public Sector Equality Duty (PSED), as set out in s149 of the Equality Act 2010.
14. Although the Framework says in paragraph 107 and 108 that local parking standards should take account of the accessibility of the development, the proposal should also be considered against the advice in Framework paragraph 130. This advocates development which functions well and creates places that are inclusive and accessible and do not undermine quality of life.
15. For the reasons given above, I conclude that the proposal would unacceptably increase demand for on-street parking and would consequently be harmful to convenience and accessibility for local residents and future occupiers of the development, particularly those with protected characteristics linked to age or disability. As such, it would conflict with relevant requirements in Policy CSP12 of the Tandridge Core Strategy 2008 and Policies DP5 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014. These policies, amongst other things, require that new development has regard to adopted parking standards, promotes access on foot to nearby retail, educational, leisure and recreational areas and does not result in additional on-street parking where this would cause harm to amenity.

Character and Appearance

16. The existing building has a fully hipped pyramid roof, with a projection at the rear supporting a first floor balcony enclosed by brick parapets and railings. The Council's concerns focus on the design and massing of the proposed mansard roof extension, which would encompass the whole building footprint.
17. While mansard roofs are not currently found in the vicinity of the appeal site, there are a variety of other roof forms. These include gabled and hipped roofs of various designs, incorporating a variety of roofing materials and features. Some are steeply sloping, others less so. Within this varied context, the proposed mansard roof form would be a departure from the norm, but would not be inherently unsuitable.
18. Although the overall height of the building would not increase, there would be a significant increase in its volume at roof level. However, there is a more

substantial block of three storey flats very close to the site and the extended building would be seen in that context. The small planted area and single storey buildings on the opposite corner of Oak Road provide a sense of space around one side of the building and there would also be space at the rear. Although it would be visible from several directions, the building would not look excessively dominant or cramped.

19. The dormer windows would project only slightly from the mansard roof. They would align with the first-floor windows below and would be on a similar alignment to the second-floor windows in the nearby flats. Two of the visible roof slopes would be uninterrupted. Overall, the roof extension would not look unreasonably cluttered or top heavy.
20. While the existing pyramid roof is more modest in scale, that does not prevent an alternative design from being acceptable. Paragraph 120 of the Framework is supportive of upward extensions subject to design considerations. The appeal site is not subject to any heritage designations or other specific constraints on design approach. In this context, while there would be a departure from prevailing roof forms, the design would integrate acceptably with the varied scale, design and proportions of surrounding buildings.
21. Any minor visual improvement from enclosing the rear balcony would be counter-balanced by the significant increase in the scale of the building. Its overall appearance would not objectively be enhanced, but nor would the roof form be harmful to the surrounding street scene.
22. For the above reasons, I conclude that the proposal would not be harmful to the character and appearance of the area. It would not conflict with relevant requirements in Policy CSP18 of the Core Strategy or Policy DP7 of the Tandridge Local Plan Part 2. Nor would it conflict with relevant aspects of Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021. These policies require, amongst other things, that the design of new development reflects and respects its local context, character and setting, including the variety of local building types.
23. Likewise, the proposal would not conflict with relevant paragraphs in the Framework, including paragraphs 124 and 130 which set out a balanced approach to maintaining local character without preventing appropriate innovation or change, and paragraph 120 which is supportive of upward extensions where they can be accommodated within the street scene.

Planning Balance

24. The Council's Officer Report alludes to a shortfall in housing supply, although the evidence does not quantify its extent. I have accordingly had regard to the provisions of paragraph 11 in the Framework, including that the absence of a five year housing land supply means that development plan policies should be deemed to be out of date. I have nevertheless had regard to the weight which can be attached to those policies, taking account of the degree to which they are consistent with the Framework.
25. The Framework advocates a flexible approach to the application of parking standards, taking account of accessibility and the availability of alternative transport options. While the Council's parking standards are of some age, Policies CSP12, DP5 and DP7 do not take a rigid approach, requiring only that

development should 'have regard to' parking standards. Other aspects of those policies, relating to promoting accessibility to services on foot and avoiding harm to amenity, are consistent with similar provisions in the Framework.

26. That being the case, and in light of the particular effects of the development on people with protected characteristics, I have given significant weight to the harm arising from the lack of off-street parking provision and to the consequent conflict with the development plan.
27. The proposal would deliver two small dwellings, making more intensive use of previously developed land. There would be some associated economic benefit, albeit at a modest scale. The Framework is supportive in principle of housing development on small sites, which can be delivered quickly. However, that support is not at the expense of ensuring that development functions well, is inclusive and accessible and does not undermine quality of life.
28. The provision of external amenity space would benefit future occupiers, but is at the expense of retaining an area which has been identified in the past as off-street parking. High standards of energy efficiency are proposed, which would also benefit future occupiers. However, this would be of limited public benefit given the very modest scale of the proposal.
29. Although I have found that there would not be harm to the character and appearance of the area, that is a neutral factor which weighs neither for nor against the proposal. Compliance with space standards and the absence of alleged harm to living conditions of adjoining occupiers, trees, ecology or flood risk are likewise neutral factors. While I acknowledge that pre-application advice was sought, the Council's Officer Report confirms that concerns about parking provision were raised at that early stage but have not been addressed.
30. Even if considered cumulatively, the benefits associated with the proposal are modest in scale. Set against those benefits is the harm to convenience and accessibility for local residents and future occupiers of the development, including those with protected characteristics. This is a factor which carries significant weight and would do so even if the evidence had demonstrated a substantial shortfall in housing land supply. I therefore conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

31. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR