



Appeal Decision

Site visit made on 14 November 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/M3645/D/23/3327122

10 Westerham Road, Limpsfield, RH8 0ER

- 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 Deryck Mourton against the decision of Tandridge District Council.
- The application Ref TA/2022/1415, dated 19 December 2022, was refused by notice dated 12 June 2023.
- The development proposed is lowering of bank to front of house.

Decision

1. The appeal is allowed and planning permission is granted for lowering of bank to front of the dwelling and formation of single parking space with retaining wall at 10 Westerham Road, Limpsfield, RH8 0ER in accordance with the terms of the application, Ref TA/2022/1415, dated 19 December 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). All references to the Framework hereafter in this decision are to the 20 December version.
3. The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.
4. There is another appeal¹ at the same site made by the same appellant against the refusal of planning permission by Tandridge District Council. This appeal is for the erection of a single detached three-bedroom house and is the subject of a separate decision.
5. The description of development in the heading above has been taken from the planning application form, which differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. However, the latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I have therefore used it within this decision.

¹ PINS Ref: APP/M3645/W/23/3316608

6. During my site observations, construction works had commenced on the parking space, and therefore the application is retrospective. For the avoidance of doubt, I have determined the appeal based on the proposed plans before me.

Main Issues

7. The main issues are the effects of the proposal on i) the character and appearance of the area, and ii) living conditions of nearby occupiers.

Reasons

Character and appearance

8. The appeal site is located at the front of 10 Westerham Road (A25). The topography is very steep with the land sloping up and away from the A25. Access to the site is via a narrow accessway (Broom Hill) close to the junction of Westerham Road and Snatts Hill. The area is mainly residential consisting of detached and semi-detached properties, although the site is located within walking distance of the more commercial area of Oxted which provides a range of services and facilities and Oxted train station.
9. There is an eclectic appearance to the built-up area, with significant variation to the properties in terms of density, height, bulk, mass, detailing and materials providing an ad hoc character to the built environment. Nevertheless, the properties on the southern side of the A25 have a more open and suburban nature, whilst the development pattern becomes tighter and more developed as one approaches Oxted.
10. The proposal seeks to provide a car parking area to the front of the property, incorporating lowering the bank and the provision of a retaining wall. The front of the property is located behind an existing stone wall and established vegetated boundary, with the access road at a higher level than the A25 due to the topography. As such, views from public vantage points outside the site are limited.
11. As the application is retrospective, the parking space is in position and has been cut into the bank fronting the property at No 10. The existing treatment is somewhat utilitarian with the use of blockwork and tarmac as the ground surface. However, the details before me highlight the area will be finished in red brick slips similar to the existing dwelling, with a permeable ground surface and the provision of landscaping to reduce the visual impact of the proposal. I find the details provided of the proposed materials and soft landscaping would enable the proposal to be in keeping with the surrounding area, and these can be secured through conditions.
12. Furthermore, from my site observations there is a prevalence of off-street parking spaces on the driveways and forecourts of the nearby properties. Whilst the proposal is a significantly smaller area than those existing, it would be proportional to the main dwelling and still read as a domestic feature within the relatively low-density suburban character. Given this treatment, and subject to conditions the appeal proposal has been sympathetically designed to minimise its impact. As a result, the appeal proposal would not seem jarring, appearing as a coherent built form in the vicinity.

13. Overall, I would conclude the prominence, height, design and expanse of the proposal would not harm the character and appearance of the area. As such, it would accord with Policies CSP18 and CSP21 of the Tandridge District Core Strategy (TCS) adopted October 2008 and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) which amongst other things, seek development that integrates with its surroundings, respects the setting and local context, protects the landscape and conserves landscape character. The proposal would also accord with the provisions of the Framework which amongst other things, also seeks to secure high quality design which protects local character.

Living conditions

14. The proposal seeks the provision of an additional car parking space to the front of the property. Given that the proposal would serve the existing dwellinghouse at No 10 there would be no notable increase in the number of cars and people in this part of the site, where it could be considered as excessive. Furthermore, given the domestic nature of the proposed development any predicted noise levels from activities associated with its use are likely to be within ambient noise levels and any increase in noise level would be minimal.
15. It is acknowledged that the proposed parking provision is tight with stone walls lining the accessway, however the submitted swept path analysis² highlights that whilst restricted, vehicles using the parking space can turn to ensure that vehicles can enter and exit the site in forward gear. The use of the parking space would create some additional movements in the area, which would involve slow, careful and precise driving manoeuvres in order to turn. However, any increase activity would be associated with the existing dwellinghouse, thus would be fairly limited and likely to be spread over the day, which would not be considered as overly intrusive.
16. The accessway is narrow, with stone walls and significant vegetation occupying the boundaries, which I observed on site. Whilst it is acknowledged that the proposal would increase movements in the area, due to the manoeuvres involved in turning on site, the existing boundary treatment would mitigate light pollution from headlights to nearby residents as a result of the modest increase in car movements. Furthermore, the accessway is already used by the existing occupants of the adjoining property at No 8. Consequently, these circumstances would significantly diminish the effect or influence of vehicle engine noise, headlight glare, fumes and the comings and goings associated with the use of the parking space given its domestic nature.
17. Considering the above, I find that the proposal would not harm the living conditions of existing occupiers of nearby dwellings with regard to noise and other nuisance and general disturbance. Consequently, it would comply with the objectives of TCS Policy CSP18 and TLP Policy DP7 which collectively seek to avoid any adverse impact on the amenity of neighbouring properties by reason of noise, air or light pollution, traffic, or other general disturbance, amongst other things. It would also be consistent with Paragraph 135 of the Framework insofar as it seeks a good standard of amenity for all existing occupants of buildings. In addition, I do not find conflict with TCS Policy CSP21

² Swept Path Analysis – Estate Car (Ref: ITL17020-GA-003 Rev A)

which relates to the character and distinctiveness of landscapes in the district, and thus has limited relevance to this main issue.

Other Matters

18. I recognise that the proposal has generated public interest, with several consultation responses submitted in response to the planning application. I have taken into account all of the other matters and concerns raised in the submissions by the interested parties, which include but are not limited to, the retrospective nature of development, highway safety, land ownership matters, construction works and building regulations.
19. The comments regarding the retrospective nature of the application are noted, however, I have determined the appeal on the merits of the scheme in front of me.
20. In respect to highway safety, it is acknowledged that Surrey County Council as County Highway Authority (CHA) have raised no concerns in respect to highway safety regarding the manoeuvres required to access and egress the site in forward gear, as the proposal is located on private land outside of the control of the CHA. I note third parties maintain concerns in regard to the movements required to access the parking space, and the need for a vehicle to reverse in close proximity to a 'blind bend' increasing the risk of a collision. I acknowledge that the narrowness of the access and the movements required are less than ideal, however the area is only lightly trafficked, with low traffic speeds, as such there is insufficient evidence before me to demonstrate that the proposal would significantly impact on safety.
21. Third parties also highlight that parking movements are not achievable without using land that is not under the control of the appellant. From the submitted swept path analysis it would appear that the manoeuvres can be undertaken on land which is under shared ownership and thus enables the appellant to use for the required movements.
22. Construction works are an inevitable, albeit temporary, consequence of development. While such activity would be in reasonably close proximity to nearby dwellings, the hours of working (including the operation of equipment, machinery and vehicles at the site) can be controlled by a suitable construction method statement condition to avoid undue disturbance or nuisance, particularly at antisocial hours.
23. Having regard to concerns relating to structural matters and building regulations as a result of the proposed development, there is no substantive evidence before me to support such concerns. Nevertheless, even if this was the case, it has not been suitably explained to me how these matters are not controlled under the separate Building Control legislation.

Conditions

24. As the development has been substantially completed, it is not necessary to impose a condition requiring commencement within a set period. However, it is necessary to specify the list of approved drawings as this provides certainty and defines the permission.
25. I have imposed a condition in respect to material specification in order to ensure an acceptable visual effect and the three-month compliance period is

reasonable given the retrospective nature of the development and extent of the works.

26. I have attached a condition to provide soft treatments to the landscaped areas of the proposal which should be provided and maintained thereafter to protect the character and appearance of the area and to protect living conditions of neighbouring properties.
27. I have imposed a condition to require a Construction Transport Management Plan which is necessary to ensure that the transport and highways impacts of the development would be acceptable.

Conclusion

28. For the reasons set out above, the proposal would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 117/005/P/100B, unnumbered drawing 'Landscaping Plan – Driveway' and unnumbered drawing 'Visual representation showing concept of planting and hebe hedge providing screening.'
- 2) Within three months of the date of this decision the details and/or samples of external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and/or samples.
- 3) All planting, seeding or turfing comprised in the approved unnumbered drawing 'Landscaping Plan – Driveway' shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants 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.
- 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.