



Appeal Decision

Site visit made on 7 February 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/M3645/W/23/3327009

G/F Studio Flat, 1A Georges Terrace, Caterham CR3 5NH

- 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 Miley Connors against the decision of Tandridge District Council.
 - The application Ref TA/2022/1132, dated 19 August 2022, was refused by notice dated 13 June 2023.
 - The development proposed is described as "Retrospective change of use from ancillary residential accommodation to C3 (dwellinghouse)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parties are agreed the ground floor accommodation is in use as a flat. I have therefore considered the appeal on the basis that change of use from ancillary residential accommodation to C3 (dwellinghouse) has taken place, as did the Council. However, I observed that the garage door remains in place and has not been replaced by windows, as proposed on the application plans. I have therefore assumed that that element of the development has not been completed.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their response in my decision.
4. I understand the Council is preparing a new Local Plan. I am not aware of the exact stage it has reached or whether its policies will be considered to be consistent with the Framework. Consequently, in accordance with paragraph 48 of the Framework, I give it very little weight.

Main Issue

5. The main issue is the effect of the change of use and associated parking arrangements on highway safety and the living conditions of residents.

Reasons

6. Georges Terrace is a cul-de-sac behind a parade of shops on Coulsdon Road. The appeal site is at the rear of one such premises. The other commercial units generally have a rear yard on Georges Terrace. On the opposite side of the

street are terraces of modest dwellings, some of which have off-street parking spaces.

7. The extent and proximity of vehicle access points to yards and driveways along Georges Terrace leaves very little space for on-street parking, other than in the section perpendicular to Coulsdon Road. Georges Terrace is narrow and has no dedicated turning space. Consequently, there is very limited space to manoeuvre vehicles, particularly when the quantity of parked cars - both on and off-street - is high, as it was during my visit. In addition, the street has no parking controls, is unlit and has a footway on one side only.
8. In these conditions, cars turning and parking in non-allocated spaces present a hazard to drivers, cyclists and pedestrians, notwithstanding that the street has no through traffic or dedicated cycle routes. The danger is higher for children and those with mobility constraints, who are less able to respond quickly or safely to moving cars. Furthermore, the unavoidable need for cars to enter private driveways on occasion when turning causes noise and disturbance to residents.
9. The Tandridge Parking Standards Supplementary Planning Document 2012 (SPD) requires 1.5 vehicular parking spaces unallocated, or 2 spaces allocated, for each 1-bedroom flat. The development has created a studio flat with no new parking provision, which does not satisfy the SPD standard. In addition, the incorporation of the garage as a habitable room into the ground floor flat has resulted in the loss of the first-floor flat's existing off-street parking space.
10. There is a space in front of the building, which the appellant suggests can be used to park a car once the garage door is removed. The space is narrow, so overspill of a parked car into the highway would be likely. In addition, even if I were to accept that this space is large enough for a small vehicle, its proximity to the front doors of the flats is such that entry to them would be very difficult with a car parked there. A parked car would also restrict the outlook from the windows of the new habitable room. Furthermore, I observed several bins in the space during my visit, which suggests they are at least sometimes stored there. I therefore find this space does not provide a useable parking space with a realistic prospect of being used without detriment to highway safety and/or the living conditions of the occupiers of the flats.
11. Consequently, both the ground and first floor flats fall short of the SPD parking requirement. This shortfall makes it likely that occupiers of the two flats, or their visitors, would sometimes park elsewhere on Georges Terrace, thereby exacerbating the hazardous road conditions and noise and disturbance to residents described above.
12. I recognise the dimensions of the garage are smaller than those required for this type of space in the SPD. Nevertheless, the garage was retained and secured for parking in previous permissions¹ for the appeal site, and its necessity has been confirmed by a previous planning Inspector². It has not been demonstrated to my satisfaction that a car could not be parked in the garage. Nor am I persuaded on the evidence before me that parking conditions in Georges Terrace have materially changed since these earlier decisions.

¹ Application references 2006/1879 and 2008/1114

² Appeal reference APP/M3645/A/11/2145850

Therefore, I do not accept that the garage should be excluded from consideration of parking provision in this appeal.

13. The appellant refers to updated Council Vehicular and Cycle Parking Guidance 2018, but this document is not before me. Nevertheless, I recognise the appeal site has good access to public transport and is within safe walking distance of facilities and services. The appellant is also willing to provide a cycle parking space and vouchers to promote cycling, which could be secured by condition were the appeal to be allowed. These alternatives to private car use are sufficient to justify a reduction in car parking provision from the SPD standard, bearing in mind the considerations in paragraph 111 of the Framework.
14. However, whilst I accept the nature of the flats is such that occupiers would be unlikely to own several cars, the evidence before me about levels of car ownership in the area is based on Census data that is over ten years old so is not up to date. It is therefore not sufficiently compelling to persuade me that the occupants of the flats would never own a car or receive visitors by car. Moreover, no mechanism is proposed to restrict car ownership for the occupants of the flats. Consequently, I find that an absence of dedicated parking provision for both the ground and first floor flats is not acceptable.
15. I note the Highway Authority has raised no concern, but the absence of objection does not in itself render the development acceptable or alter my findings based on the evidence before me.
16. For the above reasons, I conclude that the change of use and associated parking arrangements has a harmful effect on highway safety and the living conditions of residents. This is contrary to Policies CSP12 and CSP18 of the Tandridge District Core Strategy 2008 (CS), Policies DP5 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (LPDP) and Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 (CCWNP). Together, these Policies require development to have regard to adopted parking standards; not significantly to harm the amenities of the occupiers of neighbouring properties; not to create hazards to traffic and other road users; and not to result in additional on-street parking where this would cause congestion or harm to amenity or highway safety.
17. The development is also contrary to paragraph 115 of the Framework, which states development should be refused on highways grounds if there would be an unacceptable impact on highway safety; and to paragraph 135, which requires a high standard of amenity for existing and future users.

Other Matters

18. The appellant states that, as a fallback position, the ground floor flat could be used as a house in multiple occupation. There is little evidence to suggest they would genuinely pursue this option if the appeal failed or that such a scheme would be similar to, or worse than, the appeal scheme. As such, it is a matter of negligible weight.
19. The creation of one dwelling contributes to the supply of housing in the area and to the local economy through occupiers' use of local services and facilities. This accords with the Framework where it seeks to increase the supply of housing, including on small sites in urban areas, and to support economic growth. However, the Framework's support for effective use of land is not at

the expense of ensuring safe living conditions. With this in mind, and given the modest scale of the development, I ascribe limited weight to these benefits.

20. The Council is satisfied with the proposed standard of accommodation and renewable energy provision, and with the effect of the development on the character and appearance of the surrounding area and the privacy of neighbouring occupiers. On the evidence before me, I see no reason to disagree with these conclusions. However, an absence of harm in these respects is a neutral factor.

Planning Balance

21. I have found the development conflicts with Policies CSP12 and CSP18 of the CS, Policies DP5 and DP7 of the LPDP and Policy CCW5 of the CCWNP. Therefore, there is a conflict with the development plan, read as a whole.
22. The Council accepts its current five-year housing land supply stands at under two years, which represents a significant shortfall. In these circumstances, paragraph 11(d)(ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The harm resulting from the conflict with the development plan as a whole also results in conflicts with the Framework for the reasons given above. In this case, the harms affect highway safety and the living conditions of residents, to which I attribute substantial weight. This significantly and demonstrably outweighs the limited weight of the benefits of the development identified in other matters, when assessed against the policies in the Framework as a whole.

Conclusion

24. I have found the development conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR