



Appeal Decision

Site visit made on 6th February 2024

by Megan Thomas KC Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 28th February 2024

Appeal Ref: APP/M3645/W/23/3327697

5 Narrow Lane, Warlingham, Surrey CR6 9HY

- 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 Quantum Land & Planning Ltd against the decision of Tandridge District Council.
 - The application Ref.TA/2022/1097, dated 4 August 2022, was refused by notice dated 13 February 2023.
 - The development proposed is the demolition of an existing dwelling and the erection of a building containing 13 flats with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:

- the effect of the proposal on the character and appearance of the site and area,
- the impact on the living conditions of the occupants of 3 Narrow Lane with particular regard to noise, disturbance and privacy and the impact on the living conditions of other nearby neighbours with regard to privacy,
- the adequacy of on-site parking and
- whether there is sufficient information to assess impacts on wildlife, habitats, protected species, flood risk and drainage.

Reasons

Character and appearance of site and area

3. The appeal site is located on the eastern side of Narrow Lane, within the urban area of Warlingham. The site currently comprises a large, two storey, detached dwelling with an attached single storey garage. A detached, single storey outbuilding is located to the south of the dwelling and a detached, single storey garden room is located to the east of the dwelling at the rear of the site.

4. The site is accessed via an existing entrance at the southwest corner of the site. The Lane is relatively narrow having no footpaths on the southern section. The existing two storey house is set back from the road by some 26.5m and has landscaped front and rear gardens with vegetation on all boundaries. The house is largely hidden by a high conifer hedge broken only by the driveway access. The surrounding area is residential.
5. To the north is 3 Narrow Lane which is a small single storey dwelling on a plot which is, in comparison to other nearby properties, very small. It sits close to the Lane with room for some off-road parking. The property at 1 Narrow Lane is three storeys of accommodation and is set back from the road frontage in a generous plot. Its design is such that the third storey is served by dormers and a narrow front gable. Houses on the opposite side of the Lane are detached, two storey units set well back within their plots. Other properties within the vicinity are typically detached, two storey dwellings, some with living accommodation within the roof space and located in large plots. 98 Westhall Road is a flat development of three storeys (the top floor being partially within the roof space) and it is located in a spacious plot on the corner of Landscape Road and Westhall Road.
6. The proposed scheme would demolish the existing buildings on the site and erect a building with three storeys of accommodation, some of which would be in the roofspace. Amongst other things, the proposed design would incorporate some open balconies, covered balconies, a side dormer, gables and single storey elements. The building would provide 13 flats. A new access would be created in the north-west corner of the plot off Narrow Lane along the common boundary with 3 Narrow Lane and 8-10 Westhall Park. The existing access would be removed. The proposed parking would be at the rear of the plot where there would also be a communal garden and cycle store.
7. Whilst some elements of the proposed building would be single storey and the northern flank would incorporate a steep roof, the resulting building would be a significant bulk, mass and footprint on what would not be a particularly spacious plot once the on-site car parking is taken into account. The building would be about 22.5 metres wide and over 23 metres deep. It would be about 9.9m high and its three storeys of accommodation would present an overly imposing building. It would dwarf no.3 Narrow Lane even though the new access road would inject some space between the two. The full impact of the building is not immediately evident from the submitted elevation drawings which highlight the closest built elements in colour, with the remainder of the bulk shown to be fading into the background in a manner that would not be particularly reflective of the impact once built. When including the balconies, the total depth would measure approximately 25 metres at an approximate height of 10 metres.
8. The proposal has a density of about 76 dph, which is above the range envisaged in policy CSP19 of the Tandridge District Core Strategy (2008) 'CS', and which is significantly higher than the baseline and optimised net density ranges identified within the Council's recent Urban Capacity Study. National policy urges efficient and effective use of land and high density residential development does not necessarily harm local distinctiveness. However, in this case the density figure signals that the appeal site would be overdeveloped with an over intensification of residential use.

9. In addition to the bulk and massing of the building in its available plot, the front façade would appear odd with low eaves at the northern end and high eaves in the middle and at the southern end. There would be an elongated roof that is poorly proportioned with the remainder of the building. The inclusion of a dormer to one side and a mixture of windows, heavy-set balconies and varying ridge heights causes the building to have a contrived and confused appearance. Rather than creating visual interest, the building would lack cohesion and would harm the appearance of the site.
10. Narrow Lane is indeed narrow and the building would be sited reasonably close to the lane where it would be unduly prominent and out of character with no.3 Narrow Lane and with the two storey detached properties on the western side. I have carefully noted the development and development proposals in and around the area which the Appellant draws attention to, but on its own merits this proposal is not suitable for this site.
11. I conclude therefore that the proposed development would substantially harm the character and appearance of the site and the area. It would be contrary to policies CSP18 & CSP19 of the CS and policies DP7 and DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 'LP'.

Living Conditions of the Occupants of 3 Narrow Lane & Other Neighbouring Properties

12. No.3 Narrow Lane is a single storey dwelling with a very modestly-sized rear garden. The proposed development incorporates a large side dormer window with flat roof serving flat 11. This is a second floor flat in the roofspace. The side dormer is one of two windows serving the kitchen/living/dining room of this proposed one bedroom flat. It would not be suitable for being fitted with obscured glazing. It is a sizeable window and it would allow oblique views into the rear garden of no.3 Narrow Lane as it would be sufficiently elevated to do so. Even though the proposed access road would stand between the window and the garden, the separation distance is not large.
13. Whilst there may be vegetation on the common boundary between the appeal site and no.3, this would not sufficiently filter the overlooking or the perception of being overlooked from this window. As the rear garden of no.3 is small, the occupants would be unlikely to avoid being overlooked in this area where they could otherwise expect reasonable privacy. Thus, the occupants' privacy when enjoying their rear garden would be unduly compromised. I have considered whether there could also be overlooking of no.3 and its garden from the proposed balconies, however, I have concluded that this would be unlikely.
14. As to the rear balconies on the first and second floors, these would primarily overlook the proposed car park. The distances separating the balconies from rear gardens which have common boundaries with the appeal site would all be long enough to prevent undue interference with privacy for occupants using those gardens. I have considered direct and oblique views from the balconies and the elevated heights but I have concluded that privacy would not be unduly compromised.
15. Turning to the potential for undue noise and disturbance to the occupants on no.3 Narrow Lane and other neighbours from vehicles using the proposed new

access road and car park, I have, amongst other things, considered the Appellant's Traffic Statement and Desktop Study & Noise Statement (dated 8/8/23). These demonstrate that noise impact for the worst-case morning and evening peak hours is predicted to be about 5 to 7dB lower than the proposed Lowest Observed Adverse Effect Level, lower than the WHO Guidelines value of 50dB (below which few people are moderately annoyed) and below the lower guideline level of 50dB for external amenity space given in BS 8233:2014. I am satisfied that this is a robust analysis and conclude that noise from the access road and car park would not unduly harm neighbours' living conditions. In dark conditions when vehicle headlights are used, I do not consider that this would unduly interfere with living conditions at no.3 Narrow Lane (or elsewhere) given the likely number of traffic movements generated by the proposal, the boundary treatment and the location of the bin store.

16. On this issue, I conclude that the impact on the living conditions of the occupants of no.3 Narrow Lane in relation to privacy would be unacceptable. This would be contrary to policy CSP18 of the CS and policy DP7 of the LP. I do not find harm to living conditions of neighbours on any other basis.

Adequacy of On-Site Parking

17. Fourteen car parking spaces are proposed within the site to serve the thirteen flats. That would be 1.1 spaces per dwelling. Tandridge District Council has a Supplementary Planning Document specifying car parking standards (Parking Standards SPD). Against that document, there would be an under-provision of 6.5/7 car parking spaces on the site.
18. The Appellant's Transport Statement assesses the appeal site as being moderately served by public transport services. It has undertaken a multimodal assessment which demonstrates 17 two-way trips broken down by transport mode of which about 4 in and 4 out additional movements are expected by private vehicle. In reality, some of the multimodal trips would involve the use of a private car in a two-or-more-stage journey, thereby increasing the robustness of the assessment. A check on car ownership levels in Individual Output Areas also supports the conclusions of the Appellant's assessment. I am satisfied that the provision of 14 car parking spaces would be adequate given the particular location and typology of residential unit proposed. I consider that off-site parking would be unlikely.
19. I note that the Highway Authority has not objected to the level of parking provision on the appeal site.
20. I conclude that parking provision on the site would be adequate and the proposal would not be contrary to policy DP7 of the LP.

Biodiversity

21. Having had regard to the various biodiversity reports which have been submitted both at application and appeal stages, there is sufficient information to conclude that the development could be carried out without causing unacceptable harm to wildlife, habitats or protected species, subject to the

imposition of appropriate planning conditions. I note that Surrey Wildlife Trust do not disagree with that conclusion.

22. I have concluded that biodiversity could be protected and enhanced and conflict with policy CSP17 of the CS and policy DP19 of the LP could be avoided.

Flood Risk & Drainage Issues

23. Having had regard to the documents relating to flood risk and drainage submitted at application and appeal stages, there is sufficient information on which to conclude that the development could be carried out without increasing flooding on the site or elsewhere and that suitable drainage can be employed to avoid harm. In respect of surface water drainage, there is sufficient information on which to determine that a suitably-worded planning condition could specify and deliver appropriate surface water drainage details.

24. On this issue, I conclude that suitable drainage and avoidance of flooding can be achieved subject to suitable conditions. Conflict with policy DP21 of the LP can be avoided.

Other Matters

25. I have borne in mind that the appeal site is suitable in principle for more intensive development, being in a built-up area and being reasonably well located for journeys avoiding the use of private motor cars. The housing proposed on it would support the District's requirements for smaller dwellings. Furthermore, it would boost the supply of housing adding 12 (net) residential units to the District's housing supply. This is of particular importance in Tandridge where there is very serious shortfall in the five year housing land supply. The supply is said to be about 1.57 years only (taken from the Council's 2021-2022 Annual Monitoring Report). The fact of this shortfall and the general extent of the shortfall lead me to attach moderate weight to the provision of 12 additional units. There would also be economic benefits flowing from the construction and later occupation of the new units.

26. However, I have identified substantial harm to the character and appearance of the site and the area, and also harm to the living conditions of the occupants of no.3 Narrow Lane through loss of privacy. Lack of harm from other land use planning impacts does not attract any positive weight in the planning balance. Applying the tilted balance, I have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the cumulative benefits, when assessed against the policies in the NPPF taken as a whole. I have decided that the proposal is not in accordance with the development plan and material considerations do not indicate that the development plan should not be given primacy.

Conclusion

27. Accordingly, having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR