

Appeal Decisions

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, Communities and Housing

Decision date: 4 March 2024

Appeal A Ref: APP/M3645/W/23/3324277
55A High Street, Caterham, Surrey CR3 5UF

- 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 Pesach Ohelbaum against the decision of Tandridge District Council.
 - The application Ref.TA/2022/1061, dated 1 August 2022, was refused by notice dated 27 March 2023.
 - The development proposed is the erection of a rear dormer for a loft conversion.
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Appeal B Ref: APP/M3645/W/23/3328573
55A High Street, Caterham, Surrey CR3 5UF

- 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 Pesach Ohelbaum against the decision of Tandridge District Council.
 - The application Ref.TA/2023/542, dated 31 May 2023, was refused by notice dated 26 July 2023.
 - The development proposed is the erection of a rear dormer for a loft conversion.
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Decisions

Appeal A Ref: APP/M3645/W/23/3324277

1. The appeal is dismissed.

Appeal B Ref: APP/M3645/W/23/3328573

2. The appeal is dismissed.

Procedural Matter

3. As set out above there are two appeals on this site. They relate to providing additional accommodation at roof level in different configurations. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue – Both Appeals

4. The main issue in both appeals is the effect of the proposed development on the character and appearance of the host building, surrounding buildings and the wider area.

Reasons – Both Appeals

5. The appeal building is located on the High Street in Caterham-on-the-Hill within an urban area. It is a three storey building which curves around a corner where there is a fairly narrow access road to land and buildings behind the High Street. There is a similarly-designed three storey terrace of buildings on the opposite side of the access road curving round the corner. Both buildings are on the east side of the High Street.
6. There is a commercial garage and petrol filling station to the north of the appeal building from where the flank end of 51-53 High Street can be viewed, and the land slopes slightly downwards as one moves north along the High Street.
7. There are generally retail units at ground floor level. Opposite the appeal building there is a three storey building with a pizzeria and a laundrette. There appear to be residential flats on the upper storeys.
8. At the appeal site there are flats on the upper floors. Both are accessed from the rear via external steps to the first floor entrances. Flat 55A is on the second floor with an internal staircase up to the accommodation. The building has a pitched roof curving round the corner and set behind it is an element of flat roof which is enclosed by railings. There is a small enclosure on the roof from where access to the roof can be gained. This structure is slightly taller than the ridge of the pitched roof. The top flat has a kitchen/dining room, two bedrooms, a bathroom and a living room.
9. The Appeal A proposal involves the provision of an L-shaped dormer structure on the flat roof area. The curved pitched roof would remain at the front and access road flank of the building but the proposed structure would rise up above the roof slope by about 0.6 metres. The dormer would have a L-shaped flat roof and there would be three windows at the rear. Two of the windows would align with windows in the floor below. The submitted plans show the intention is to use the new accommodation in conjunction with the existing top flat, expanding the size of that flat.
10. The Appeal B proposal involves the provision of a smaller, rectangular dormer that would not extend around the corner of the building. This would have a flat roof. It would have two windows at the rear, aligning in design and layout to the windows below. Again, the pitched roof of the main building would remain but the structure would project above that existing roof ridge by about 0.79 metres. The accommodation provided would be a bedroom with an en-suite bathroom and it would be used in conjunction with the flat below.
11. The design of the Appeal A proposal is unsympathetic to the host building. The projection above the ridge of the pitched roof would appear incongruous and awkward. Whilst acknowledging that a particular head height is needed to

create additional habitable accommodation, what is proposed would not integrate with the building or be suitably discreet or harmonious. At present, the flat roof with railings enables the pitched roof to remain the most visible element in the roofscape. The additional 'plinth' would be ungainly.

12. Views of the roofscape from the rear of the building would be dominated by the dormer and, in particular, the side roof (facing the access road) would be overwhelmed by the L-shaped structure.
13. Whilst there would be some very local public views from which the development could not be glimpsed, there would be other locations within the public realm from which the development would be visible and harmful to the appearance and rhythm of the streetscape. There would be a loss of general uniformity with the adjoining part of the same terrace (nos 51 and 53 High Street) and with the very similarly-designed building on the south side of the access road. This lack of consistency would disrupt the generally consistent roof height that is an important defining feature of the buildings which contribute substantially to, and are a noteworthy feature of, the immediate locality. In coming to this view I have noted the Appellant's representations about the context in which the appeal site sits and the extent to which there is variation but I do not come to the same conclusions about lack of harm.
14. I do not consider that the assessment of the visual impact of a building should be so limited as to only take account of public areas when it could be viewed by people from private areas. These views are an important aspect of how a building would be experienced day-to-day by those living in the locality and I consider them important. Consequently, I am concerned about the unsympathetic visual impact for occupants within private flats in and around the appeal site, particularly from flats on the opposite side of the High Street.
15. In respect of the Appeal B scheme, whilst smaller in overall scale, the proposed structure would noticeably breach the main roof ridge and would appear as an unintegrated dominant box-like addition to the building that would fail to harmonise with it. Views of it from public and private realms would be sufficiently harmed by its incongruity to be unacceptably detrimental to the character and appearance of the host building, its neighbours and the wider area.
16. Consequently, I conclude that in respect of both Appeal A and Appeal B the proposed developments would unacceptably harm the character and appearance of the host building, surrounding buildings and the wider area. They would be contrary to policy CP18 of the Tandridge District Core Strategy (2008), policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) and policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021.
17. I have noted policy in the NPPF (December 2023) to support opportunities to use airspace above existing residential and commercial premises for new homes. Whilst no new/additional housing units are proposed in these appeals, even if they were, the Framework requires proposed development to be consistent with the prevailing height and form of neighbouring properties and the overall streetscene, and be well-designed. Mansard roof extensions on suitable properties are supported by the Framework in specified circumstances,

however, the proposals before me are not mansard roof extensions and do not harmonise with the original building.

18. Whilst there is a general benefit in having expanded residential living space, in these appeals this does not outweigh the identified harm.

Conclusion – Both Appeals

19. Having taken all representations into account, for the reasons given above I dismiss both appeal A and appeal B.

Megan Thomas KC

INSPECTOR