



Appeal Decision

Site visit made on 5 June 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2024

Appeal Ref: APP/M3645/W/23/3334642

Former garage, land to the south west of Stuart Road, Warlingham

Easting: 534745, Northing: 157353

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Justin Owens of Silverleaf Group against the decision of Tandridge District Council.
 - The application Ref is TA/2022/1413.
 - The development proposed is demolition of the existing garage. Erection of a detached dwelling. Adjustment to existing crossover and provision of drive and parking forecourt.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the quality of living conditions for future occupiers with particular regard to noise.

Reasons

Character and Appearance

3. In the vicinity of the appeal site, Stuart Road is characterised by houses set in generous landscaped plots on the northern side of the road with mature planting to the front boundaries. On the southern side is a steeply sloping leafy embankment to the railway line with open fields beyond.
4. Succombs Hill also adjoins this open land. In addition, Succombs Hill is characterised by residential properties. These vary in their appearance and include both houses of a similar character to those described above, but also blocks of flats. Generally, these blocks are set in landscaped grounds with clear spacing between buildings. Edgehill is to the north of the appeal site, and planning permission has been granted for the redevelopment of this site with flats¹. This development would also appear to be surrounded by generous landscaping and would share characteristics with the existing flattened developments to Succombs Hill described above. Consequently, this results in a spacious and green character to the surrounding area.
5. The appeal site is on the southern side of Stuart Road which is mainly open with a small single storey garage. As such it makes a positive contribution to the spacious green character of the area.

¹ LPA reference: 2022/225

6. The appeal scheme proposes a two storey dwelling which extends close to the boundaries of the site, the appellant states that this distance is 2m from the south boundary and 2.5-3.5m from the north boundary. In addition, hardstanding is proposed to the front to form a parking area.
7. Given the extent of this built form in terms of its footprint, height and massing, with the limited separation from the boundaries, the development would not appear spacious within this plot. In addition, the amount and location of the hardstanding would further amplify the developed extent of the appeal scheme. Whilst planting is shown to the boundaries, given the size, shape and usability of the garden these are likely to be limited in their size. Consequently, the appeal scheme would result in a development that would harmfully undermine the spacious pattern of development and leafy green character described above. The site would be readily visible in views from Stuart Road and Succombs Hill and as such this harm would be experienced.
8. My attention is drawn to other developments in Tandridge which are said to have a similar plot size to that proposed². However, these are some distance from the appeal site and therefore the considerations of character and appearance are not the same as those before me now.
9. Policy CSP19 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP) sets a density range of 30-55 dwellings per hectare for this site, unless the design solution would conflict with local character. For the reasons above, there would be a conflict with local character in this case.
10. As such the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to Policy DP7 of the LP, and Policy CSP18 of the Tandridge District Core Strategy (2008). Together these seek high quality design from new development which reflects and respects the character of the area in which it is located, amongst other things.

Living Conditions

11. The proposed development is located close to the railway line and noise from this, and the nearby roads is experienced on site. The main window to bedroom 1 and the only windows to bedrooms 2 and 3 would be on the ground floor in the elevation that faces towards the railway line. At first floor there would be a secondary window to the living/dining area and two roof terraces. The garden area would also be adjacent to this boundary.
12. Residential Noise Assessments have been submitted with this appeal. They propose mitigation in the form of glazing and background ventilation as well as a 2.2m high acoustic fence along the whole of the rear boundary, a 1.8m high acoustic fence along the front boundary and 1.5m perimeter barriers to the roof terrace areas.
13. The tall, solid acoustic fence would be located close to the main windows to the bedrooms. This would result in an unacceptably constrained outlook from these main rooms and inadequate living conditions for future occupiers. Consequently, I am not satisfied that the mitigation could be acceptably carried

² Land and Garages adjacent to Chapel Road, Warlingham 2022/663 and 2021/2055, Land adjacent to 268 Croydon Road, Caterham 2021/351, 55 Chelsham Road, Chelsham 2021/69, 64 Gresham Avenue, Warlingham 2019/203, Land Rear of 11 to 19 Marks Road, Warlingham 2018/2105 and 2018/583, 27 Eglise Road, Warlingham 2017/1917, 1 Lime Grove, Warlingham 2015/1070

out in the form proposed. As such I am not satisfied that the proposed development would provide appropriate noise levels for future occupiers.

14. Planning permission has been granted for a single dwelling on this site³ (the approved dwelling). It does not include main windows to habitable rooms along this boundary. As such, this is clearly different to the appeal scheme and this does not alter my findings.
15. Consequently, the proposed development would result in an unacceptable quality of living conditions for future occupiers with particular regard to noise. As such it would be contrary to Policy DP7 of the LP which, in part, requires a satisfactory environment for the occupiers of the new development.

Planning Balance

16. The Council cannot demonstrate a 5 year housing land supply. The appellant states that there is between a 1.57 and 1.9 year supply of deliverable housing sites and this is not disputed by the Council. Therefore paragraph 11(d) of the National Planning Policy Framework (2023) (Framework) is engaged which requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole. Therefore, the policies that are the most important for the determination of the application are deemed to be out of date. However, this does not mean they do not apply and overall, the proposal conflicts with the development plan as a whole.
17. The proposed development would provide a single new dwelling along with the social and economic benefits of this such as temporary construction expenditure and jobs and spend in the local area from future occupants. This would support the government's target to significantly boost the supply of homes. Ecological enhancements such as the installation of bat and bird boxes are also proposed, and the submitted Energy Report indicates that the development would exceed the requirement for a reduction in CO2 emissions, this would support the transition to a low carbon future and provide net gains for biodiversity. Taking into account the scale of the development, these would be important but modest benefits.
18. On the other hand, the proposed development would result in poor quality living conditions for future occupiers which would not provide a high standard of amenity for future users. It would also be harmful to the character and appearance of the area and would therefore not create a high quality, beautiful place which is fundamental to what the planning process should achieve. Together these multiple harms are significant.
19. These significant adverse effects would therefore significantly and demonstrably outweigh the modest benefits set out above. Therefore, the presumption in favour of sustainable development would not apply in this case.

³ LPA reference: 2023/1350

Conclusion

20. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR