
Appeal Decision

Site visit made on 24 September 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal A Ref: APP/M3645/W/24/3345014

5 Narrow Lane, Warlingham 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 reference is TA/2023/443.
 - The proposal is for demolition of the existing dwelling and erection of 4 dwellings with associated access, parking and landscaping.
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Appeal B Ref: APP/M3645/W/24/3346014

5 Narrow Lane, Warlingham 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 reference is TA/2024/336.
 - The proposal is for the demolition of the existing dwelling and erection of 4 dwellings with associated access, parking and landscaping.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of 4 dwellings with associated access, parking and landscaping at 5 Narrow Lane, Warlingham CR6 9HY in accordance with the terms of the application reference TA/2024/336, subject to the conditions in the attached schedule.

Preliminary Matter

3. As set out above there are two appeals, both at the same site albeit that the schemes differ in relation to the number of parking spaces. I have considered each proposal on its individual merits, but to avoid duplication I have dealt with the two developments together in my reasoning below. I have also altered the description to appeal A to account for the reduction in units during the Council's consideration of the application.

Main issues

4. The main issues in respect of both appeals are the effect of the development having regard to:
 - the character and appearance of the site and the surrounding area; and
 - the living conditions of the occupants of neighbouring properties with regard to privacy and overbearing impact.
5. Additionally, for appeal A there arises an issue relating to the provision of parking on site and the resultant impacts on congestion and the living conditions of the occupants of neighbouring properties and future residents of the proposed units.

Reasons

Character and appearance

6. The appeal site consists of a detached, two-storey house on Narrow Lane with off-street parking on the driveway to the front. In this long-established residential area, the spaciousness between and around dwellings together with mature trees and other garden planting contributes to its pleasant character and appearance.
7. Key development plan policies, in terms of assessing the effects of a specific development proposal such as this one on an area's character, are Policy CSP18 of the Tandridge District Core Strategy 2008 (CS) and Policies DP7 and DP8 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 (LP). The various criteria in these three policies include requirements to maintain, respect and reflect character and appearance, to prevent inappropriate sub-division of existing curtilages, to retain important features and to avoid over-development or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
8. At my site visit I saw that there have already been intensification schemes in the appeal site locality in the form of culs-de-sac serving groups of houses in backland positions. Moreover, walking along Westhall Road for example, myriad glimpses of the upper floors and roofs of dwellings are afforded to the rear of properties between the gaps in the built form, such that these also form part of the area's character.
9. The proposed layout would consist of two dwellings to the front, with a driveway in between accessing two dwellings at the rear. Whilst the plot sizes would be relatively modest within the context of the surrounds, they would nevertheless be generally commensurate with that of 3 Narrow Lane immediately to the north; there is no suggestion before me that the extent of the curtilage of this neighbouring house is harmful to the spatial quality of the area.
10. Appropriate gaps would be provided between the units, and from the site boundaries to allow for planting to establish and mature. The scale and form would be in keeping with other buildings in the vicinity, and in terms of design the Council does not appear to raise concern in respect of the external materials and detailing, which I find would assimilate with the local vernacular.

11. Although the two dwellings to the front would be positioned further forward than the donor house, I note that there would be no increase in height above and over the existing situation, and there is no set building line along this stretch of Narrow Lane. Furthermore, the proposed site and landscaping plans demonstrate that the substantial and mature hedgerow that presently fronts the appeal site is to be retained. Consequently, the impact of the proposals when viewed from the public highway would be limited, with only plot 1 predominantly evident through the vehicular access.
12. Along the rear boundary there currently exists a similar ribbon of established planting to that on the frontage, also shown to be retained. Together with new vegetation, which can be secured as part of a landscaping scheme, I am satisfied that the appeal proposal would be suitably contained, minimising its visual impact and helping to integrate it into its surroundings.
13. I have taken into account the Council's calculations for the appeal scheme's density, which would be 23.5 dwellings per hectare. The Authority states that this would be lower than the range deemed acceptable for this location by Policy CSP19 of the CS.
14. Overall, I acknowledge that further infill and especially backland development of rear garden areas will inevitably change existing patterns of buildings to some extent. However, drawing the strings together; the presence of other backland development in the area; the adequate plot sizes; the spacing between the new dwellings and to existing properties; the appropriate size and design of the units; the retention of important features in the form of existing mature vegetation and the planting of new trees and shrubs; and the general assimilation of the built form within the context of the area lead me to conclude that objections to the scheme are unfounded. I sympathise with the strength of local feeling on the issue, however there are no sound planning reasons for the appeal to be dismissed based on the policy provisions before me. This reasoning is further supported by the low density figure, which to my mind is indicative that the scheme would not be considered as over-development.
15. I therefore conclude on this matter that there would be no adverse impact to the character and appearance of the site and the surrounding area as a result of both appeal schemes. They would concord with Policy CSP18 of the CS, Policies DP7 and DP8 of the LP, which seek to secure development of acceptable scale and appearance.

Living conditions

16. The proposed layout plans show that the new residences would be sited considerable distances from the internal rooms of other dwellings on Westhall Park and Landscape Road. The nearest house at 3 Narrow Lane is more proximal to plot 2 in particular, nonetheless the new built form would be sited nearly 5 metres from the common boundary between the properties.
17. Primary openings would face front and rear towards either the public highway, internal access road and parking areas or existing mature vegetation. Only one small window is proposed in the side elevation of each of the units at first floor level, subject to the use of obscure glazing I consider that no undue loss of privacy would occur. Taken in the round, given the separation distances involved, the retention of existing boundary hedges and subject to further

planting, I am satisfied that the scheme would not result in any detrimental overlooking and overbearing issues.

18. Consequently I find that there would be no detrimental affect upon the living conditions of the occupants of neighbouring properties with regard to privacy and overbearing impact as a result of both appeal schemes. They would concord with Policy CSP18 of the CS and Policies DP7 and DP8 of the LP in relation to the protection of amenity.

Parking provision – Appeal A

19. Appeal A shows 10 parking spaces. The SPD indicates a minimum parking provision of 3 spaces for dwellings of 4 bedrooms or more, plus one additional legible space. This is not possible on the site and the scheme would therefore be contrary to the Council's Parking Standards Supplementary Planning Document 2012 (SPD).
20. At my site visit I observed that Narrow Lane is a busy thoroughfare of limited width, and there is no footpath for a short distance beyond the appeal site in the direction of Landscape Road. As such, any displacement of parking from the appeal scheme onto Narrow Lane would be likely to cause congestion and inconvenience.
21. Moreover, the lack of on-site parking could result in occupants having to park some distance from the development, thus leading to a temptation to park inconsiderately closer to the site. It would also result in additional vehicular movements in the area as they search for vacant spaces, and the situation would be aggravated particularly if the residents had visitors or deliveries.
22. Appeal A would therefore be detrimental having regard to the provision of parking on site and the resultant impacts on congestion and the living conditions of the occupants of neighbouring properties and future residents of the proposed units. This would contravene Policy CSP12 of the CS, Policies DP5 and DP7 of the LP and the SPD, which seek to secure the amenities of the future occupants of development and those enjoyed by nearby and adjacent properties having regard to traffic generation and providing parking in accordance with standards.

Other considerations

23. Local residents have expressed a range of other concerns over the impact of the proposals, including highway safety, affordable housing, noise and disturbance, flooding, drainage and previous refusals for development of the land. However, these issues would either be dealt with through the imposition of conditions, or have been previously addressed in the Council's reports or the appellant's submissions; I note in particular that no objections have been raised by the County Highway Authority on safety, capacity and policy grounds. Therefore, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these issues.

Planning balance – Appeal A

24. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, appeal A is not in accordance with the policies of the development plan due to

the harm I have identified in terms of parking provision. The absence of harm relating to other matters, for example in terms of character and appearance and living conditions and so on, are a neutral factor.

25. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
26. Appeal A would make a positive contribution to housing supply in an accessible location with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of parking provision would significantly and demonstrably outweigh the benefits of the proposal. Therefore the presumption in favour of sustainable development does not apply in the particular circumstances of this case.
27. The conflict with the development plan and the Framework when taken as a whole and the associated harm to the character and appearance of the area are significant and overriding factors. Consequently, the material considerations in this case, including the contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conditions – Appeal B

28. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions requiring external materials to be submitted would provide for a satisfactory appearance.
29. Various tree protection measures and landscaping works would ensure protection of existing specimens and visual enhancements to the development. Conditions relating to visibility zones, parking and turning areas and works to the nearby junction are imposed in the interests of highway safety and to encourage walking, with charging points and cycle parking provision to promote sustainability and non-car modes of transport.
30. Conditions in respect of ecological enhancement and works in accordance with biodiversity recommendations and mitigation measures would prevent adverse impacts upon protected species, and on-site renewable energy provision would enable the development to actively contribute to the reduction of carbon dioxide emissions.
31. Obscure glazing to the windows in the first floor side elevations would protect the living conditions of the occupants of the adjacent dwellings. Given the size of the individual plots, removing Classes A, B and E PD rights is both reasonable and necessary in serving the interests of protecting the living conditions of future occupants and in safeguarding the character of the area.

Conclusion

32. For the reasons given and having regard to all other matters raised, I conclude that Appeal A should be dismissed, and Appeal B should be allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J004845-DD-01, J004845-DD-07, J004845-DD-08, J004845-DD-09, J004845-DD-10, J004845-DD-11, J004845 J004845-12, J004845-DD-13, J004845-DD-14, J004845-DD-15, J004845-DD-16, J004845-DD-17, J004845-DD-18, J004845-DD-19, J004845-DD-20, J004845-DD-21, J004845 -DD-22, J004845-DD-23, J004845-DD-24, J004845-DD-25.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Notwithstanding the details already submitted, no development shall start until a Tree Protection Plan and detailed Arboricultural Method Statement, relating to all stages of development, for the protection of all trees and hedges to be retained on site or trees located offsite within 12 metres of the site boundary, has been submitted to and approved in writing by the Local Planning Authority. These details shall observe the principles of BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches;
 - (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees; and
 - (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
- 5) No development shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The details shall include:

- (a) proposed finished levels or contours;
- (b) means of enclosure;
- (c) car parking layouts;
- (d) other vehicle and pedestrian access and circulation areas;
- (e) hard surfacing materials, no dig systems and sub base materials; and
- (f) tree and hedgerow planting as compensation for those elements being removed.

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities. No retained trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works without the prior written consent of the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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.

- 6) No part of the development shall be commenced unless and until the proposed vehicular access to Narrow Lane has been constructed and provided with visibility zones in accordance a scheme to be submitted to and approved by the Local Planning Authority, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 m high.
- 7) The development hereby approved shall not be occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Narrow Lane the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. J004845-DD-08 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 9) Prior to the first occupation of any of the dwellings hereby approved, a scheme of pedestrian improvements within the public highway at the junction of Narrow Lane, Clovelly Avenue, Westhall Park and Westhall Road (to include dropped crossings and tactile paving) shall have been submitted to and approved in writing by the Local Planning Authority. All measures within the approved scheme shall be implemented, (in accordance with a S278 agreement if required by the Highway Authority) prior to the first occupation of any dwelling.
- 10) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter maintained.

- 11) The development hereby approved shall not be occupied unless and until facilities for the secure, covered parking of 12 bicycles and the provision of a charging point for e-bikes have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and the approved facilities shall be provided and maintained thereafter.
- 12) Prior to the commencement of development an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved Ecological Enhancement Plan, all measures set out within the approved Ecological Enhancement Plan shall be implemented prior to the first occupation of the dwelling and retained at all times thereafter.
- 13) The development hereby permitted shall be carried out only in accordance with the recommendations and mitigation measures set out in Bat Scoping Report and Preliminary Ecological Appraisal (October 2023).
- 14) No development above ground level shall start until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision serving any of the dwellings shall thereafter be installed prior to the first occupation of that dwelling and retained in accordance with the approved details.
- 15) Before the development hereby permitted is occupied, the first floor flank windows to dwellings 1, 2, 3 and 4 (and any subsequent replacement of these windows) shall be fitted with obscure glass (Pilkington Glass level 3 or above, or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C or E of Part 1 of Schedule 2 to the Order shall be undertaken.