
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 Ref: APP/M3645/W/24/3345034

Rear of 10-16 Blanchmans Road, Warlingham CR6 9DE

- 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 L Brown against the decision of Tandridge District Council.
 - The application reference is TA/2023/1054.
 - The proposal is for demolition of the existing garages between Nos.12 and 14 and continuation of vehicular access to the rear, and the erection of 4 no. two storey, semi-detached (3-bed, 6 person) houses with associated amenity space, landscaping, car and cycle parking and bin stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the development on a) the character and appearance of the surrounding area; and b) the living conditions of the occupiers of neighbouring properties with regard to external amenity space, privacy and noise and disturbance.

Reasons

Character and appearance

3. The appeal site consists of two pairs of semi-detached, two-storey houses on Blanchmans Road with off-street parking on driveways to the front. The local neighbourhood is broadly residential in nature.
 4. At my site visit I saw the existing backland development at Hawthorne Close, which lies immediately to the north of the appeal site. To my mind, the cul-de-sac demonstrates that such an arrangement can be acceptable in principle in the vicinity, and indeed there does not appear to be any suggestion that the scheme has not successfully integrated with the surrounds. Moreover, whilst I acknowledge the Council's concerns regarding piecemeal development of other rear gardens in the area, I have not been provided with any evidence to suggest that such proposals have been put forward. In any event, I am mindful that each case must be assessed on its own merits.
 5. The new properties at the rear would be visible from the public domain through gaps between existing built form along the access driveway. The elevation and street scene plans demonstrate that their overall scale and height would be broadly commensurate with existing buildings in the locale, and generous spacing would be afforded to the side boundaries with Hawthorne Close and the
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back gardens of 18-20 Blanchmans Road to allow for planting to establish and mature. I am satisfied that the overall design approach would be acceptable and the dwellings would assimilate with the urban context.

6. The landscaping drawing shows that the existing tree belt would be retained along the rear boundary with The Court, which would provide a pleasant backdrop to the built form and allow for glimpses of mature vegetation through the central gap between the pairs of semis. The back gardens, whilst modest in size, are nevertheless of a practical shape and function for family occupation and of similar extent to those at Hawthorne Close.
7. However, I am concerned with the access road and parking area. The large expanses of hard surfacing for turning space and driveways within the development layout would be a dominant and visually unattractive feature of the scheme, with limited room for planting to soften the impact. The approach between the donor houses would be particularly bleak, with the removal of existing mature hedging to allow for new parking for these units, and no space for planting to either side of the access further into the land. This would be in contrast to Hawthorne Close, which is bordered by trees, hedges and shrubs along its roadway.
8. I therefore conclude that the proposed development would be deleterious to the character and appearance of the surrounding area. It would fail to meet with 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), which seek to ensure that new development integrates effectively with its surroundings, respecting the character, setting and the local context. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

9. I appreciate that the scheme would result in a reduction in the amount of amenity space provision for the existing dwellings at the rear. Still there are no Development Plan policies before me that explicitly specify minimum garden sizes, and the layout plans indicate that sufficient useable space would be afforded for sitting out and general enjoyment of the areas.
10. With regard to privacy, there currently exists a degree of mutual overlooking between properties. Whilst I recognise that this may intensify due to the new houses, I am satisfied that screen hedging and specimen trees on the boundaries would prevent adverse loss of privacy to the rear gardens of nos. 12 and 16 Blanchmans Road.
11. The coming and goings of occupants to the new houses along with associated events, including deliveries and visitors, would inevitably increase the amount of activity in and around the rear gardens of the donor units. However, this is no different to the immediate residential context that has similar characteristics in terms of the nature of activities. To this end, I am satisfied that the installation of acoustic fencing would mitigate the effects of noise and disturbance to the amenity areas of the host dwellings.
12. Consequently, I find that there would be no adverse impacts upon the living conditions of the occupiers of neighbouring properties with regard to privacy, external amenity space and noise and disturbance. There would be compliance

with Policy CSP18 of the CS and Policies DP7 and DP8 of the LP in relation to the protection of amenity. The proposal would also be consistent with the Framework, which advocates safe and healthy living conditions.

Other considerations

13. I am aware that the site is in an accessible location in close proximity to public transport modes, shops and services, and have read through the expired 2008 application details provided by the appellant. I also appreciate that the Council has not raised any objections with regard to the level of parking provision, highway safety, the servicing of the development, the quality of internal accommodation, energy efficiencies, ecology, or flood risk impact. However, these matters do not counterbalance the harm I have outlined above.

Planning balance

14. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the appeal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the character and appearance of the area. The absence of harm relating to other matters, for example in terms of living conditions and highway safety and so on, are a neutral factor.
15. 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.
16. The development 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 the harm to the character and appearance of the area 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.
17. 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.

Conclusion

18. Having regard to all issues and the arguments above, I dismiss the appeal.

C Hall

INSPECTOR