



Appeal Decision

Site visit made on 23 October 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/M3645/D/24/3344129

11 Broadbridge Lane, Smallfield RH6 9RE

- 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 Irfaan and Lulia Baksh and Bordeian against the decision of Tandridge District Council.
 - The application Ref TA/2023/1425, dated 29 November 2023, was refused by notice dated 28 February 2024.
 - The development proposed is described on the application form as "An additional floor to create a two-storey dwelling with front gable end, side extension to include side dormer, front porch, fenestration changes, part single, part two storey rear extension to include balcony and detached car port".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the character and appearance of the locality.

Reasons

3. The appeal concerns a detached bungalow that is served by an access track that is set back from the street in Broadbridge Lane and reached by two access points. Between the public highway and track is a line of vegetation, comprising shrubs and trees. There are two storey dwellings in the wider locality, including the opposite side of Broadbridge Lane. However, the dwelling at the appeal site is within a relatively lengthy row of properties that are single storey in height below their eaves. It is this characteristic of the built form that provides the context against which the proposed enlargement of the host dwelling would be most readily appreciated.
4. The development would significantly increase the height of the roof. The front gable feature would rise appreciably above the two storey eaves level of the main roof and add noticeable bulk. Both the main roof and gable would rise appreciably higher than the top of the existing dwelling and other nearby properties. In consequence, the enlarged dwelling would be a visually intrusive feature unacceptably at odds with the predominant scale and height of dwellings in the vicinity. In these circumstances the extended property would not represent an improvement on the design of the existing bungalow.

5. I saw at my site visit that the frontage vegetation does provide a degree of screening to the single storey properties in views from Broadbridge Lane. However, some of the roofs were still visible above this and it is likely that the unusual height of the enlarged dwelling would be readily apparent. It also seems likely that during periods of leaf fall the adverse effect would be even more obvious. Furthermore, occupiers and visitors using the access track to reach properties served by it would also be readily aware of the visual impact. In any event, the suggestion that acceptability should be conferred on the basis of limited visibility seems to me to be an implicit acknowledgement of the inappropriate nature of the development.
6. The proposed car port would be sited to the other side of the access track in front of the host dwelling. It is shown to be fairly close to the road in Broadbridge Lane so that it would be prominent in the streetscene. In consequence, it is unlikely that there would be sufficient space to retain existing vegetation or carry out new planting to limit its visibility in views from the street. Moreover, with a height of 5m, width of 14m and depth of 5.5m it would be a relatively large and bulky presence in this location. Due to these factors and given the noticeable continuity and length of the landscaped frontage, it would be a particularly unusual, intrusive and alien presence.
7. Less than half of the outbuilding would be open with unenclosed walls in the part used as a car port, with the remainder being enclosed. There would also be a solid pitched roof above having a height of about half that of the overall structure. Therefore, the design would not be so open and lightweight as to significantly limit its undue prominence and justify accepting such a detrimental impact.
8. In these circumstances the outbuilding and enlarged dwelling would appear visually discordant, comprising unsympathetic development that fails to reflect or respect local character. They would be unacceptably at odds with the pattern of development. It is therefore concluded that the development would harm the character and appearance of the locality. It is acknowledged that the existing dwelling is of no particular architectural merit and that the use of render would be acceptable given that it is found nearby on other properties. The car port would not appear cramped or take amenity space associated with the host dwelling. Nevertheless, the harm that I have found would occur despite matters such as these.
9. There would be conflict with Policy CSP 18 of the Tandridge District Core Strategy (CS) 2008 and Policy DP7 and DP11 of the Tandridge Local Plan (LP) Part 2: Detailed Policies 2014. Together and among other things, these require proposals to be designed to a high standard, reflect and respect the character, setting and local context and be in character with that part of the settlement.
10. It is pointed out that there is a fallback position that could be constructed using permitted development (PD) rights that was approved under the prior approval process. Although also two storey in height, this would only be fairly minimally higher than the current proposal. Moreover, the latter would be appreciably bulkier due to matters such as the front gable and south facing side elevation, therefore having a greater overall visual impact than the fallback scheme. The PD scheme would have a simpler design better reflecting the nature of development in the vicinity than the noticeably more complex appearance of the proposal before me. Any better use of land would be relatively modest.

11. Because of matters such as these there would be no appreciable benefit by reference to the fallback position. Allowing this appeal would not, therefore, result in the possibility of preventing an alternative development from proceeding that would be significantly more harmful. Because of this no meaningful weight in favour of the appeal can be afforded to this consideration.
12. In the National Planning Policy Framework (The Framework) it is indicated that decisions should ensure that developments satisfy a number of considerations. These include adding to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
13. It is argued that the proposal would accord with the economic, social and environmental objectives of sustainable development as set out in the Framework. However, it is stated in the Framework that these are not criteria against which every decision can or should be judged. Moreover, because of the harm that I have found there would be clear conflict with the environmental objective anyway.
14. Nevertheless, the reasons put forward include matters such as generating employment in the local economy for builders and associated trades, as well as increasing Council tax payments. It is also suggested that the development would result in the more effective use of the site. However, given the domestic scale of the development, the extent of any benefits in respect of matters such as these would be relatively modest.
15. It is argued that the development would benefit current and future occupants by improving the quality of the accommodation. However, the additional space would be achieved at the unacceptable expense of the quality of the built environment. It is claimed that the property would have high energy efficiency. However, no technical evidence on this matter has been provided that might substantiate this claim. In consequence, considerations such as these are not afforded any significant weight in favour of the appeal.
16. It is argued that the presumption in favour of sustainable development set out in the Framework should apply given that the CS and LP were adopted in 2008 and 2014. However, this is a case where there are relevant development plan policies that are consistent with the Framework and not therefore out of date despite the age of the CS and LP. As a result of this and because of the conflict with the development plan, the appeal scheme cannot benefit from the presumption in favour of sustainable development set out in the Framework.
17. The harm in relation to character and appearance is a particularly compelling objection to the proposal in respect of a fundamental planning consideration that is, in itself, sufficient reason to justify rejecting the proposal. Therefore, regardless of whether unacceptable overlooking would occur and taking account of all the above considerations and other matters raised, it is determined that the appeal fails.

M Evans

INSPECTOR