



Appeal Decision

Site visit made on 15 January 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/M3645/W/24/3346873

Rivington House, Rockfield Road, Oxted, Surrey RH8 0EL

- 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 Timothy Blackman against the decision of Tandridge District Council.
 - The application Ref is TA/2024/177.
 - The development proposed is detached house with access, parking and turning area.
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Decision

1. The appeal is allowed and planning permission is granted for detached house with access, parking and turning area at Rivington House, Rockfield Road, Oxted, Surrey RH8 0EL in accordance with the terms of the application, Ref TA/2024/177, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of neighbouring occupiers with particular regard to privacy and any overbearing effect.

Reasons

Character and Appearance

3. Rockfield Road is characterised by detached properties in large gardens which results in a spacious character to the area. In this area, the pattern of development includes plots which have been subdivided, in close proximity to the appeal site to the north (Wayside/Conifers) and south (Rainbows End/Linden) with numerous other examples along Rockfield Road. Many of these comprise dwellings to the rear of frontage properties. Whilst the planning history of these differ, nevertheless single dwellings to the rear of frontage properties are part of the existing character of this area. Plot sizes are therefore varied, nevertheless the layout and design of the plots maintains a spacious character to this area.
4. Rivington House is a detached property on a plot that has not been subdivided, and the appeal site is part of the garden to this host property. It is currently an open, grassed garden area surrounded by trees and hedges. A public bridleway runs along the rear boundary.
5. The proposed development would divide the garden of Rivington House to create a new residential plot. It would introduce a detached dwelling and garden to the rear of the host property which would be accessed via driveway along the northern boundary. It would also reduce the garden area associated with Rivington House.

6. The proposed dwelling would be a detached house with sizeable garden. It would have a lower ridge height than the host dwelling and would be set in from the boundaries of the plot, with a plot and garden size commensurate with others nearby. As such the proposed dwelling would sit comfortably in a suitably sized plot and would be in accordance with the spacious character of this area. Furthermore, whilst the plot size for the host property would be reduced, the resultant garden would remain appropriately large in this context. Consequently, the proposed house to the rear of Rivington House would be consistent with the pattern of development and spacious character and appearance of the area, including the neighbouring properties, as set out above. The development would not form any new access points and although an increase in hardstanding to the front of the host property is proposed, this would be in a landscaped setting with the front boundary planting retained. As such the frontage would be in keeping with the street scene.
7. The existing trees and boundaries would be retained and new trees planted. Based on the specialist evidence submitted with this appeal I am satisfied that, subject to a condition including that the works are carried out in line with the Tree Protection Plan and Arboricultural Implications Assessment and Method Statement the this would be the case. Therefore, the wooded hillside character would be maintained.
8. Overall, the proposed development would have an acceptable effect on the character and appearance of the area. I am satisfied that the proposal complies with part A of Policy DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (LP). Although I recognise the meaning of tandem and piecemeal development in the policy text and that Part B of Policy DP8 normally seeks to resist tandem and in-depth development of garden land, because of my conclusions in respect of character and appearance I am satisfied that the development complies overall with Policy DP8. The proposal would also accord with Policy DP7 of the LP and Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) where these support development that effectively address the character, layout and design of development as well as protection of the character of the wooded hillsides.
9. Policy CSP21 of the CS mainly relates to landscape and countryside and therefore the policies set out above are more relevant to this main issue.

Living Conditions

10. The proposed dwelling is set at an angle. This means that the main front elevation faces towards Brockenhurst. However there is some distance between the main elevations of these properties and the windows do not directly face towards one another. To the rear, windows are angled away from the properties on Old Lane. Furthermore, views to and from ground floor windows would be screened by boundary treatment whilst windows to the side elevations would be secondary windows and could be conditioned to be obscure glazed to prevent any views. Consequently, the proposed development would not result in harmful overlooking and would not have an unacceptable effect on the privacy of neighbouring occupiers.
11. There would be a new two storey dwelling adjacent to neighbouring rear garden areas. However, the proposed dwelling would be set in from the boundaries and

the majority of the garden lengths would remain open and undeveloped. There would also be clear separation between the dwelling and the public footpath to the rear. Consequently, the proposed dwelling would not be overbearing to neighbouring occupiers.

12. The access driveway would be extended to the rear of the site along the northern boundary. Boundary treatment would provide visual screening and the number of vehicles travelling to and from a single dwelling is likely to be very low. Consequently this would not have a significant effect on noise and disturbance to neighbouring occupiers.
13. The introduction of a new house to land which is already in residential use would not result in a change to the safety and security of neighbouring occupiers. Whilst there may be noise and disturbance to neighbours during construction, these impacts would be temporary and limited.
14. Therefore, the proposed development would not significantly harm the living conditions of neighbouring occupiers with particular regard to privacy and any overbearing effect. Therefore it would be in accordance with Policy DP7 of the LP and Policy CSP18 of the CS. Together these require that the proposed development must not significantly harm amenity including with regard to privacy or overbearing effect.

Other Matters

15. I am provided with a detailed preliminary ecological appraisal/preliminary roost assessment (PEA) which was undertaken following a site visit and clearly sets out the proposed development including the works to trees and hedges. Detail is also provided that due to the presence of fish and the size of the isolated pond it is suboptimal for great crested newts. The PEA also recommends the retention and protection of log piles, and proposes enhancement measures. I am satisfied that the presence or otherwise of protected species is established and that subject to a condition to secure the mitigation and enhancement measures, the proposed development would have an acceptable effect on biodiversity.
16. There are three car parking spaces on the site and a condition to ensure that the proposed car parking and turning area is implemented could be attached. The development would therefore be unlikely to result in harmful overspill parking and the low level of vehicle movements associated with a single dwelling would not harm highway safety or the free flow of traffic.
17. On site Sustainable Urban Drainage systems would be provided. These would provide appropriate mitigation which would avoid harmful surface water run off. Full details would be required before works commence and this could be secured by condition. The plans do not show any changes to the rear boundary line and there would appear to be sufficient separation that the dwelling could be constructed without the need for any obstruction to the public right of way.
18. Tandridge applies a community infrastructure levy which is a tool to help deliver the infrastructure needed to support development in this area to certain development. I am not provided with substantive evidence that there are any specific infrastructure requirements as a result of this development.

19. The protection of purely private interest such as the impact of development on the value of a neighbouring property, and private views are not planning matters.

Conditions

20. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
21. The standard implementation condition is attached and in the interests of certainty a condition to define the plans with which the scheme should accord. Details of materials and hard and soft landscaping are required in the interests of the character and appearance of the area and a condition requiring a 10% reduction in carbon emissions is required in order to contribute to the reduction of carbon dioxide emissions.
22. Conditions requiring a surface water drainage scheme, compliance with the tree protection plans and arboricultural method statement, the PEA, the implementation of the car parking and the provision of obscure glazing are required for the reasons in the main body of this decision. In the case of the surface water drainage scheme and tree protection, these conditions should be pre commencement as the measures are required for the full duration of the works.
23. However, the installation of electric vehicle charge points in new homes is covered by building regulations and I have no substantial evidence that a condition requiring this provision would be necessary or relevant to planning, and it has not been included.

Conclusion

24. For the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision refers to drawings numbered RH-SD-002-04, RH-SD-002-05, RH-SD-002-01, RH-SD-002-03, 23-1705-TPP, RH-SD-002-02 Rev A, RH-SD-001-01 Rev A, RH-SD-001-02 Rev A, RH-SD-001-03 Rev A and RH-SD-002-06 Rev B. The development shall be carried out in accordance with these approved drawings.
- 3) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. All elements of the approved drainage scheme shall be implemented prior to the first occupation of the dwelling hereby approved.
- 4) No development shall commence until the tree protection measures detailed within the approved Tree Protection Plan (RH-SD-002-07, 23-1705-TPP, 23-1705-TSS) and Arboricultural Implications Assessment and Method Statement have been implemented. Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development.

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

No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.

No further trenches, drains or service runs shall be sited within the RPA of any retained trees.

No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

- 5) No development shall start above ground level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 6) No development shall start above ground level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - proposed finished levels or contours
 - means of enclosure
 - hard surfacing materials
 - minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
 - 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.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed.

Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

The hard landscape works shall be carried out prior to the first occupation of the dwelling hereby approved.

- 7) No development shall start above ground level 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 shall thereafter be implemented and retained in accordance with the approved details.
- 8) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning area shall be retained and maintained for its designated purpose.
- 9) The development hereby approved shall not be occupied unless and until the first floor side windows have been fitted with obscure glass and are non-opening unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed. These windows shall be permanently maintained as such.
- 10) The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal and roost assessment dated 31 May 2024.