



Appeal Decision

Site visit made on 16 January 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/M3645/D/24/3349647

10 Westerham Road, Limpsfield, Surrey RH8 0ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Mourtton against the decision of Tandridge District Council.
 - The application Ref is TA/2024/477.
 - The application sought planning permission for lowering of bank to front of the dwelling and formation of single parking space with retaining wall without complying with conditions attached to planning permission reference APP/M3645/D/23/3327122 dated 10 January 2024.
 - The first condition in dispute is No 1 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 117/005/P/100B, unnumbered drawing 'Landscaping Plan – Driveway' and unnumbered drawing 'Visual representation showing concept of planting and hebe hedge providing screening'.*
 - The reason given for the condition is certainty and to define the permission.
 - The second condition in dispute is No 2 which states that: *Within three months of the date of this decision the details and/or samples of external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and/or samples.*
 - The reason given for the condition is to ensure an acceptable visual effect.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issue

3. Planning permission was granted at the site in January 2024 for the lowering of the bank to front of the dwelling and formation of single parking space with retaining wall. The submitted drawings identified the use of brick sets permeable paving and the provision of landscaping to reduce the visual impact of the proposal.
4. The appellant is seeking to vary the conditions to allow the retention of the existing tarmac ground surface. Consequently, the main issue is the effect that varying the conditions would have on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located at the front of 10 Westerham Road (A25). The topography is very steep with the land sloping up and away from the A25. Access to the site is via a narrow accessway. The area is predominantly residential in character with a wide variety of detached and semi-detached properties, of varying design, mass and utilising a mixture of facing materials.
6. I acknowledge that other properties in the area feature a mixture of parking surfaces which include 'crazy paving' and tarmac. However, due to the parking space's location cut into the landscaped bank to the front of 10 Westerham Road, it is a more visually striking feature within the street scene than the other nearby driveways. As a result, the proposed ground surface materials have a greater effect on the character of the area.
7. The tarmac ground surface has a utilitarian appearance, which is at odds to the pleasantly landscaped bank which the parking space cuts into, and which forms its immediate backdrop. As a result, the tarmac surface is a visually discordant addition, which has a harmful impact on the character and appearance of the area.
8. Therefore, the variation of conditions 1 and 2 would conflict with Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) and Policy CSP18 of the Tandridge District Core Strategy (2008) (CS). Collectively, the policies require new development to be of a high quality that responds to the local character of the area and integrates effectively with its surroundings.
9. The Council also alleges a conflict with Policy CSP21 of the CS with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other Matters

10. The appellant indicates that the installed drain and soakaway is adequate to disperse surface water from the parking space. Be that as it may, this matter does not outweigh the harm I have identified.

Conclusion

11. I have considered all matters that have been raised, but none demonstrate that conditions 1 and 2 are not reasonable and necessary. The variation to the conditions would result in a development which would have an unacceptable effect on the character and appearance of the area.
12. Conditions 1 and 2 comply with the tests for planning conditions that are set out in paragraph 57 of the Framework. The proposal would conflict with the development plan and the Framework as a whole. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR