
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: 18 February 2025

Appeal Ref: APP/M3645/W/24/3344720

Service Station, Workshop Rear Of, High Street, Oxted, Surrey RH8 9LN

- 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 J Acharya, D P Storriers Ltd against the decision of Tandridge District Council.
 - The application Ref is TA/2024/19.
 - The development proposed is Erection of replacement single storey building.
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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.
3. The appeal submission includes a Preliminary Ecological Appraisal and Preliminary Roost Assessment (April 2024) (PEA and PRA) which was not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. In this case, the PEA and PRA provide additional detail in relation to the potential for protected species within the appeal site, rather than any amendments to the proposal. The Council and interested parties had an opportunity to comment upon the appellant's PEA and PRA, and further comments have been provided by Surrey Wildlife Trust. I consider that there would be no prejudice to any party by considering the PEA and PRA, and I have therefore determined the appeal on this basis.

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
 - the living conditions of the neighbouring occupiers of 5 and 5A High Street with particular reference to outlook.
 - the character and appearance of the area; and
 - protected species, with particular regard to bats.

Reasons

Living conditions

6. The closest neighbouring properties to the appeal site are 5 and 5A High Street which adjoin the site's western boundary. The proposal would replace an existing building located in a similar position on the boundary. The appellant's submitted evidence indicates that the replacement building would be wider in length and one metre greater in height than the existing building.
7. During my site visit I noted that the existing building which would be replaced, in combination with the other buildings within the appeal site, already has a dominant effect on the neighbouring garden. The larger replacement building would therefore have an even greater effect on the garden.
8. The views from the area of the garden closest to the boundary would look directly onto the proposal's rear elevation with minimal separation distance. Consequently, the proposal, which would extend along a significant proportion of the boundary, would have a looming presence over the neighbouring garden. The combined depth, height and proximity of the proposal to the neighbouring garden means that it would be a dominant and oppressive feature for neighbouring occupiers.
9. Whilst the trees on the site boundary would filter some views of the building, I noted during my site visit that as the tree coverage does not extend along the whole boundary, the proposal would remain highly visible for neighbouring occupiers.
10. For the above reasons, I conclude that the proposal would harm the living conditions of neighbouring occupiers, with particular reference to outlook. I therefore find that it would conflict with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) and Policy DP7 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014) (TDLP). Amongst other aspects, these seek to protect the living conditions of occupiers of neighbouring properties.
11. The Council also alleges a conflict with Policy DP22 of the TDLP 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.

Character and appearance

12. The appeal site is a car repair garage and workshop, which features a series of workshop buildings and sheds, as well as car parking associated with the business. It is located towards the edge of the settlement and to the rear of a petrol filling station (PFS). The side elevation of a workshop building adjoins the PFS forecourt and is visible in views from Godstone Road. However, as a result of the site's topography, which drops sharply to the rear, much of the site is not visible in views from the public domain.
13. Immediately to the right of the appeal site, when viewed from Godstone Road, is a small row of domestic scaled dwellings, and beyond this is the High Street which is lined by historic buildings. The appeal site is located within the Old Oxted Conservation Area (CA).

14. The buildings within the appeal site are of a functional design and have limited architectural merit. The proposal would add additional built form within the western part of the appeal site. However, as a result of the relatively modest scale and height of the new building, it would not appear excessively large or cramped within its surroundings.
15. I understand that as part of the assessment for a previous planning application (Council Ref: 2010/1251) at the site, the Council believed that an existing building was to be demolished to make way for the new built form. I acknowledge that the building does not appear to have been demolished. However, focussing built form within a particular area of a site in itself is not an indicator of harm, and the new building, whilst larger than the building it would replace, would sit comfortably and integrate within the layout of buildings it would adjoin. Consequently, this part of the site would not be overdeveloped.
16. For the above reasons, the proposal would not harm the character and appearance of the area. I therefore find that it would comply with Policy CSP18 of the CS and Policy DP7 of the TDLP which seek, amongst other things, high quality design which integrates effectively with its surroundings, reflecting local distinctiveness and character.

Protected species

17. In its decision, informed by consultation advice provided by Surrey Wildlife Trust's (SWT) Ecology Planning Advice Service, the Council concluded the proposal contained insufficient information to demonstrate that the proposal would not have an unacceptable effect on protected species.
18. The PEA and PRA submitted with the appeal has been produced following a site visit including a field survey and a desk study which include a habitat classification survey. It includes a description of the habitats on, and surrounding the site and provides comments on the likelihood of protected and priority species being present.
19. The Council confirm that SWT have reviewed this information and, confirm that the impact zone of the application site appears to have limited ecological value and the building to be demolished is detailed to have negligible suitability for bats. In relation to bats, SWT advise that, in the event that planning permission is granted, an Ecological Enhancement Plan which includes evidence of no net increase in lighting across the adjacent deciduous habitat should be secured through a planning condition. Having considered the evidence, I am satisfied that adequate safeguards could have been secured through an appropriately worded planning condition, had I been minded to allow the appeal.
20. The proposal would therefore comply with Policy CSP17 of the CS which requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity. In addition, the proposal would satisfy Policy DP19 of the TDLP and the aims of the Framework which require that proposals demonstrate protected or priority species will not be harmed, or appropriate mitigation measures will be put in place.

Other Matter

21. The appeal property is within the Old Oxted Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
22. The significance of the CA is primarily derived from the historic buildings on the High Street which date from the 15th and 16th centuries and give a strong indication of its historic character. As the appeal site features a series of utilitarian buildings, which are not prominent within public views of, or within the CA, it does not make a positive contribution to the character or appearance of the CA.
23. There is no dispute between the parties that the proposed physical works would have an adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the CA and I shall make no further reference to this matter.

Planning Balance and Conclusion

24. Policy CSP22 of the CS states that the Council will seek to develop a sustainable economy by making best use of existing commercial and industrial sites, especially those suitable for occupation by small businesses. The proposal would re-use an existing commercial site and the appeal scheme does not give rise to any further conflicts with the policies of that plan. As the proposal relates to an existing use, it is unlikely that there would be an increase in noise impacts for neighbouring occupiers. However, these matters are of neutral consequence to my assessment.
25. I understand that the garage has operated for a significant length of time, employing local staff and providing work experience for those in the local area. The operational needs of the appellant's business, the health and safety improvements, and the associated economic benefits are issues of significant weight in favour of the proposal.
26. In contrast, I have found that the proposal would cause harm to the living conditions of neighbouring occupiers. The proposal would conflict with Paragraph 135 f) of the Framework which sets out that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The conflict between the proposal and Policy CS18 of the CS and Policy DP7 of the TDLP should be given significant weight in this appeal.
27. Whilst I have identified benefits to which I have attached significant weight, these matters do not outweigh the harm I have identified to neighbouring occupiers. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan.
28. The proposal would not accord with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR