



Appeal Decision

Site visit made on 27 January 2025

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 FEBRUARY 2025

Appeal Ref: APP/M3645/W/24/3350186

Land to the rear of 18 Salisbury Road, Godstone, Surrey RH9 8AB

- 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 Steve Anderson against the decision of Tandridge District Council.
 - The application Ref is TA/2024/340.
 - The development proposed is a single storey dwelling with parking, landscaping and refuse/cycle store.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey dwelling with parking, landscaping and refuse/cycle store at Land to the rear of 18 Salisbury Road, Godstone, Surrey RH9 8AB in accordance with the terms of the application, Ref TA/2024/340, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site address was amended from that on the application form, to refer to land rear of, rather than 18 Salisbury Road. This more accurately describes the location of the site, and as such I have used this in the above banner heading. I note that the same approach has been adopted on the appeal form.
3. I observed that some works to subdivide the gardens and form the appeal site had already taken place. These works did not appear to be complete, and for the avoidance of doubt, I have determined the appeal based on the submitted plans.
4. My attention has been drawn to a recent permission for the redevelopment of a block of garages to the rear of the appeal site (the former garage site) to provide 2 new dwellings¹. At the time of my site visit, the garages had been demolished and construction works were underway. I have had regard to this development insofar as relevant to the main issues.
5. An amended elevation plan has been submitted with the appeal. This shows a change to the window on the rear garden/south elevation, from a high-level window to a larger window. With the amendment, the proposal would remain essentially the same as that considered by the Council and I am satisfied that the appeal is not being used to evolve the scheme. The Council has had the opportunity to comment on the change. I am therefore satisfied that no party would be unfairly prejudiced by my accepting the plan, I have determined the appeal accordingly.

¹ TA/2022/1492

6. Subsequent to the decision made by the Council on the planning application to which this appeal relates, the National Planning Policy Framework (the Framework) was revised. The substantive parts of the new 2024 version do not however differ from the previous, insofar as they relate to the main issues. I have determined the appeal in light of the updated Framework.

Main Issues

7. The main issues are:
- the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook and amenity space.

Reasons

Character and appearance

8. The appeal site comprises part of the rear gardens of Nos 18 and 18a, which form the end of a row of terrace properties, each served by deep rear gardens, and which follow a linear pattern of development, fronting onto Salisbury Road. There is an access to the side of the appeal site leading to allotments and the former garage site. Salisbury Road is a built up, residential road, comprising of a mix of terraced and semi-detached properties.
9. The proposed dwelling would compromise a modest, flat roofed, single storey building and would be served by a small garden to its side, as well as two tandem parking spaces. Relative to existing plots along Salisbury Road, the proposed would be modest, although proportionate to the size of the proposed dwelling.
10. The close proximity of the dwelling to its boundaries, in particular those to one side and to the rear, would not appear unduly cramped, given the context of terraced properties often built up to their side boundaries. The set back from the access road would mirror the set back of 18a.
11. Due to its siting rear of existing dwellings fronting Salisbury Road, the proposed would not appear prominent. Instead, it would appear similar to large outbuildings typically found in rear gardens within built up residential areas. Similarly, when viewed from the allotments and former garage site to the rear, it would be seen in the context of larger outbuildings within rear gardens. Insofar as the proposal would be distinguishable as a new dwelling, it would appear in general accordance with the contemporary style of the recently approved dwellings on the former garage site.
12. The tandem arrangement of the car parking spaces could present an inconvenience for a second car. However, this would be balanced against the distance from the dwelling to any on-street parking and the availability of such. The Parking Standards² and policies before me, do not preclude the use of parallel parking spaces. Even if there were an increase in on street parking from one vehicle, there is no substantive evidence before me to indicate that this would be harmful to the character and appearance.

² Tandridge Parking Standards Supplementary Planning Document 2012

13. The plans before me include provision for waste and recycling storage, cycle parking and soft landscaping. Although the extent of soft landscaping is limited, I find this to be proportionate to the size of the dwelling proposed. It would be appropriate to seek further detail on each of these matters through appropriate planning conditions, such to avoid an adverse effect on the appearance of the area and to maximise opportunities for soft landscaping.
14. In light of the above, I find that the proposal would preserve the character and appearance of the area, in accordance with Policy CSP18 of the Core Strategy (2008) (CS) and Policies DP7 and DP12 of the Tandridge District Local Plan part 2: Detailed Policies (2014) (TLP). These policies, taken together and insofar as relevant, require that development preserves and contributes to the character, setting and local context.

Living conditions

15. The proposal would provide a one-bedroom dwelling, over one floor, which would meet the Nationally Described space standard. Light and outlook to the kitchen, bathroom and hallway would be limited by the proximity to the boundary fence, and the high-level windows. Nonetheless, these are not the sole windows to primary habitable rooms, and on this basis the Council concluded this was acceptable. Based on the information before me, I have no reason to disagree.
16. The use of high-level windows on the northern side, is balanced out by larger openings on the opposite elevation. In the case of the open plan kitchen living area, these would provide an alternative source of outlook and light to the rooms. Large openings would also serve the bedroom. The outlook across the amenity space, and beyond towards the allotments, would be of a good quality, unobstructed by any significant built form.
17. The limited set back from the access track, is such that activity from passing vehicles or persons could be audible from within the property. However, as the access track leads to allotments, and once completed, two dwellings, the level of activity is likely to be low. The site is within a built-up residential area, where a degree of background noise is to be expected. The open plan living and dining rooms have a good set back from the access track. There is no substantive evidence to indicate that any noise or disturbance would be to such a degree, as to be harmful to future occupants.
18. The proposed amenity space would allow for both soft landscaping, together with space for sitting out, hanging washing and other activities which might be reasonably expected within a garden. The plan indicates areas of hard and soft landscaping, and the garden would be south facing thereby likely to receive a good level of sunlight. My attention has not been drawn to any minimum size requirements in respect of amenity space. Given these factors, I am satisfied that the proposal is capable of providing high quality amenity space, which would be of a sufficient size to meet the reasonable expectations of future occupants.
19. The front facing bedroom window would have minimal separation to the access track. Nonetheless, the small amount of separation would provide defensible space, and some sense of privacy to the occupants. There is also a further secondary window serving the room. Whilst the Council has indicated obscure glazing would be necessary to achieve a suitable level of privacy, this could also

be achieved using items such as blinds. As such, I am not satisfied a condition to require obscure glazing would be justified.

20. In summary, the proposal would provide suitable living conditions for future occupiers, such to accord with Policies CSP18 of the CS and DP7 of the TLP.

Other Matters

21. In addition to the main issues above, I have had regard to other concerns raised by interested parties. These include the effect on local services, infrastructure, traffic, pre-emptive removal of soft landscaping and conflict with rights of way.
22. In terms of effects on highway safety, the proposal is situated away from the main carriageway, off an access with limited use. The level of traffic which would be generated by the development would be very low. The highway authority found the proposal acceptable in terms of highway safety and based on the information before me I see no reason to disagree. Matters relating to the appearance of the site, hard and soft landscaping and local infrastructure are capable of being appropriately managed through suitable planning conditions and the Community Infrastructure Levy.
23. The access track and the verges either side are included within the appeal site. I have been referred to a possible conflict with rights of way alongside the access track, which falls within the appeal site boundary. The application form confirms that notice has been served on relevant landowners, any conflict with other access rights which may exist is a civil matter that falls outside of my jurisdiction.
24. The motives of the appellant, together with the level of maintenance of the existing garden are also not determinative. The benefit of one dwelling to the supply of housing in the Borough would be limited, nonetheless, this remains a relevant consideration which weighs moderately in favour of the appeal scheme.

Conditions

25. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance (PPG) and the Framework. I have edited some of the suggested conditions for clarity and enforceability. Such edits have included amending the triggers for conditions, such to minimise the need for pre commencement conditions in the absence of clear justification.
26. Time limit and plan numbers conditions are necessary in the interests of clarity. A materials condition, requiring the provision of samples, together with hard and soft landscaping details are necessary such to ensure materials are of a high quality and in the interests of the character and appearance of the area.
27. A scheme to secure renewable energy is necessary to ensure the development actively contributes to the reduction of carbon emissions. Conditions to secure bicycle storage and electric charging are imposed in the interests of promoting sustainability and non-car modes of transport.
28. Whilst a condition to secure electric vehicle charging points is recommended, this is covered by other legislation. The proposed parking arrangements would not allow for vehicles to enter and leave in forward gear. This would be acceptable given the small scale of the development, and therefore vehicle numbers, together

with the low level of use of the access road. Accordingly, a condition to secure such would not be reasonable.

29. The Council has recommended the removal of various permitted development rights. Whilst I have been referred to the site's location within the Green Belt, permitted development rights have not been within in the Green Belt, within the GPDO and the Framework is clear that planning conditions should not be used to restrict permitted development rights without clear justification. There are a number of safeguards contained within the requirements of the GPDO, and there is no substantive evidence that these would not be sufficient to protect matters such as the character and appearance of the area, and the living conditions of neighbouring occupiers. Consequently, I have not imposed these conditions.
30. A condition to secure a surface water drainage scheme is recommended. However, the proposal is for a minor development and there is no evidence before me that the site is at particular risk from surface water flooding, neither is there evidence that such a scheme would be necessary to comply with the development plan. Therefore, I have not imposed the condition.

Conclusion

31. The proposal accords with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
32. Therefore, for the reasons given above, the appeal is allowed, and planning permission is granted.

R Lawrence

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 025.1417.104A, 025.1417.102B, 025.1417.101A, 025.1417.100B, 025.1417.01 and 025.1417.103A.
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.
- 4) No development above ground level shall take place until details demonstrating how the development would satisfy a 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 5) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - means of enclosure,
 - hard surfacing materials,
 - minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, renewable energy installations, lighting, etc.], and
 - soft landscape works including planting specifications and details of areas to be grass seeded or turfed.

The landscaping works shall be carried out and thereafter maintained in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping pursuant to condition 5 shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes have been provided within the development site in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be retained and maintained in accordance with the approved details.

**** End of schedule ****