



Appeal Decision

Site visit made on 29 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/M3645/W/24/3347516

229 Croydon Road, Caterham, Surrey CR3 6PG

- 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 Kevin O'Callaghan against the decision of Tandridge District Council.
 - The application Ref is TA/2023/1394.
 - The development proposed is demolition of existing side extension to no 229 and construction of 4 new dwellings comprising of 2 x 3 storey 4 bedroom dwellings and 2 x 2 storey 3 bedroom dwellings together with parking spaces, amenity space and bins and bike areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including with respect to trees
 - the living conditions of existing occupiers with particular regard to noise, disturbance and parking.
 - the quality of living conditions for future occupiers with particular regard to privacy and outdoor space
 - highway safety

Reasons

Character and appearance

3. This part of Croydon Road is characterised by mainly modest single and two storey dwellings fronting the road, with long rear gardens. Detailing varies but dwellings are generally traditional in their appearance including pitched roofs. Gardens are mainly soft landscaped with trees, including those along the railway line making a positive contribution to the open, green character to the rear of the frontage properties. The land slopes downwards towards the railway line which runs along the end of the gardens.
4. In the vicinity of the site is a block of flats at Ambleside which is set behind the properties on Croydon Road. Also, 1 Boswell Row is a traditional two storey property which is located adjacent to the railway line to the rear of Croydon Road. However, this arrangement is not so common as to form an overriding part of the character and appearance of this area.

5. There is a terrace of properties at Stratford Rise set behind dwellings on Stratford Road, which is clearly separated from the appeal site by the railway line. Elsewhere on Croydon Road there are large plots with three and four storey flats which do not extend into the site as far as the railway line. There is also a site with single storey garages and commercial use with single storey garages on the rear boundary. These are located further along the road. Therefore, these properties do not form the immediate context of the appeal site.
6. In summary, in the wider surroundings there are some examples of development to the rear of frontage dwellings, including Ambleside. However, for the reasons set out above these are not so common, nor so similar to the appeal scheme, so that backland development in the form proposed is an overriding part of the character and appearance of this area. Consequently, the important features of the site include the pleasant sense of greenery and openness behind the frontage buildings and this pattern of development makes a positive contribution to the character and appearance of the area.
7. 229 and 231 Croydon Road are modest detached properties which front the road. Although their rear gardens appear to have been subdivided, nevertheless their open green character forms an important part of the spacious character of this area. The host properties therefore make a positive contribution to the pattern of development in these regards.
8. The proposed development would introduce four dwellings to the rear of the host properties. These would be a pair of two-storey flat roofed dwellings, and a three storey pair with the upper floor contained within an irregular roof form. The development also includes an associated access drive and parking which would result in a large area of hardstanding to the front of the proposed dwellings.
9. The appeal scheme would therefore introduce a substantial amount of development to this garden area. Furthermore, the extent of the hardstanding means that there is very limited scope for any planting to the front of the houses and a condition requiring details of landscaping would not significantly alter this arrangement. In addition, the dwellings would not have a clear road frontage and their proposed roof forms and scale would result in a bulky appearance to the development. Therefore, the proposed development would be harmfully at odds with the modest character of the dwellings in the surrounding area, would unacceptably erode the important open and green character to the gardens and would harmfully undermine the pattern of development described above. Whilst the frontage properties would be retained, the proposed dwellings would be clearly visible through the access and therefore this harm would be experienced.
10. The dwellings, terraces, parking and hardstanding are proposed partly within the root protection zone (RPZ) of trees within and around the site. The tree protection plan shows the location for tree protection fencing. However, there are areas of car parking, hardstanding and terraces proposed within the RPZs of these trees and behind the indicated tree protection fencing and detail has not been provided as to how these could be delivered without encroaching into RPZs or causing damage to trees in this sensitive location. Nor does the tree protection plan show an accurate footprint of the development for which permission is sought. Therefore, in these circumstances, I am not satisfied that further details of protection would mitigate this harm. Consequently, based on the evidence in this case, the

proposed development would result in damage to or loss of these trees which would be harmful to the important open and green character of this part of the site.

11. Therefore, the proposed development would have a harmful effect on the character and appearance of the area including with respect to trees. Consequently, it would be contrary to policies CSP18 of the Tandridge District Core Strategy (2008) (CS), policies DP7 and DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (LP) and policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021) (NP). Together these seek a high standard of design that respects local character, integrates well with surroundings, with landscaping that enhances the appearance of the area, and the retention of important trees.

Living Conditions – existing occupiers

12. There is an existing driveway between the host properties leading to an area of hardstanding to the rear of no 231 which appears to be used for car parking. No 231 has two windows to its side elevation, one of which is annotated to be blocked. No 229 appears to have a side window to the single storey rear addition, set back from the boundary fence.
13. The four proposed houses would be served by an access which follows the route of the existing driveway, running immediately alongside the existing properties at no 229 and no 231. Car parking spaces are proposed directly to the rear of no 231's garden with an accessible parking space adjoining the rear garden of no 229.
14. This would result in a noticeable increase in comings and goings along this driveway, by vehicles unconnected to the occupiers of the host properties. The existing dwellings would also be directly adjacent to the access route and their rear gardens would be enclosed on two sides by vehicle movements. Taking all the above into account, this would result in unacceptable noise and disturbance to the existing occupiers.
15. Detailed evidence has not been submitted, such as a noise survey, which demonstrates the extent to which fencing could mitigate the noise impacts to gardens, particularly considering the change in levels at this site. Nor would boundary treatment have any effect on the noise and disturbance from cars passing the properties. As such I am not satisfied that a condition would satisfactorily mitigate these adverse effects.
16. A total of 9 car parking spaces are shown on the proposed plans, two for each new house and one for the existing property. Tandridge Parking Standards Supplementary Planning Document (2012) would require 11 car parking spaces for the proposed development, whilst Surrey Parking Standards would require a maximum of 6+ spaces. The proposed dwellings would be close to services and facilities and cycle parking would be included. As such adequate parking would be provided for the occupiers of the proposed new houses.
17. However, the appeal scheme would displace the existing parking on site. One car parking space to the front of no 229 and the informal parking area to the rear of no 231 would be lost. A single space would be reprovided. The appellant suggests an additional space could be provided to the front of no 229 however there is little before me to demonstrate that this would not adversely affect character and

appearance, highway safety or result in the displacement of on street car parking. As such it would be unreasonable to secure such detail by condition. Consequently, there would be a reduction in the amount of off street parking available to existing occupiers. Whilst I am not presented with evidence that this would be harmful to highway safety, nevertheless, this would be detrimental to residents' living conditions.

18. Therefore, the proposed development would be harmful to the living conditions of existing occupiers with particular regard to noise, disturbance and parking. As such, it would be contrary to policy CSP18 of the CS and policy DP7 of the LP. Together these require that development must not significantly harm the amenity of the occupiers of neighbouring properties and maintain existing off street parking spaces.

Living Conditions – future occupiers

19. There is a footbridge over the railway adjacent to the appeal site. It provides elevated views towards this plot. Although the appellant states that it is lightly trafficked, nevertheless it provides a publicly accessible route. Whilst there is some screening from vegetation, views are possible, particularly in winter months. House 3 would be located broadly in line with the bridge, with the stairs descending along the boundary of house 4. Both of these properties would have main windows to the rear elevation, along with their private garden spaces. There are dwellings on the other side of the bridge. However, their windows are located further away from public views. Considering the proximity of the main windows to the elevated bridge, as well as the locations of the gardens, these dwellings would be unacceptably overlooked. This would result in inappropriate levels of privacy for future occupiers.
20. The properties would each have a level area of terrace and sloped grassed area to their rear. They would be broadly north-west facing with trees along the boundary with the railway beyond. Policy DP7 of the LP requires that garden areas are appropriate for the intended occupiers and proportionate in size. However, in the absence of details of site levels to indicate the usability of the grassed areas, and detail to demonstrate that these spaces would achieve reasonable levels of light, I am not satisfied that the outdoor areas shown would provide suitably usable garden areas for the proposed dwellings. There are public parks nearby. However, these would not provide comparable alternative private outdoor space for these occupiers.
21. Therefore, the proposed development would result in an unacceptable quality of living conditions for future occupiers with particular regard to privacy and outdoor space. Consequently, it would be contrary to Policy DP7 of the LP which, in addition to the aims set out above, requires a satisfactory environment for the occupiers of the new development.

Highway Safety

22. The access to the road is in the same location as the existing drive. A diagram which shows a 2.4m x 43m visibility splay from the proposed access has been provided. This partly occupies an area where cars park on street. However, this is the same as the situation that currently exists and I am not presented with evidence that this is unsafe. Furthermore, the boundary treatment to the front

gardens of no 229 and no 231 are within the appeal site and are currently low level. Therefore, appropriate pedestrian intervisibility could be achieved.

23. A large area of hardstanding is proposed to the front of the houses. Swept path diagrams have not been submitted. However, given the extent of the area available, and the low likelihood of cars reversing the full length of the access, I am satisfied that vehicles could turn on site and would exit in a forward gear. Therefore, there would not be harm to highway safety in these regards. Nevertheless, this is a neutral factor that does not weigh in favour of the development proposed.
24. Therefore, the proposed development would have an acceptable effect on highway safety. As such, it would be in accordance with Policy DP5 of the LP which requires safe and suitable access to the site and that development does not create hazards to traffic and other road users.
25. Policy CSP12 of the CS mainly relates to managing traffic demand. Consequently, the policy set out above is more relevant to this main issue.

Other Matters

26. The proposed development would provide four new dwellings on a small site in a built up area, along with the social and economic benefits of this.
27. The Council cannot demonstrate a five year supply of deliverable housing sites. The Local Plan was withdrawn in 2024, although the Council states that recent planning permissions in Smallfield, Warlingham and Godstone/Bletchingley, go a long way to addressing the shortfall. However, there is a lack of information submitted for this appeal as to the extent of the contribution that these sites make to housing land supply. Therefore, there is not clear evidence as to how long the shortfall is likely to persist or the steps taken to address it.
28. Policy CSP3 of the LP relates to development of 5 units and above and is not therefore relevant to this appeal scheme. Policy DP8 of the LP is supportive of backland development in Caterham where it maintains or enhances the character and appearance of the area. Given my conclusions with regard to character and appearance above, this does not weigh in favour of the development proposed.

Planning Balance

29. The Council cannot demonstrate a five year housing land supply. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
30. The appeal scheme would provide four new houses in an area where there is a shortfall in the delivery of housing. The development would be in an accessible location in a built up area and the number of dwellings on site would increase. The proposed development would therefore direct development to a sustainable location and support the Government's aims to boost the supply of homes.

Nevertheless, taking into account the scale of the development, this results in important but no more than moderate benefits.

31. On the other hand, for the reasons set out above the proposed development would result in harm to the character and appearance of the area and would not secure a well designed place. Furthermore, taking into account the desirability of maintaining this area's prevailing character and setting and the importance of securing well designed, attractive places, overall, the development would not be an efficient use of land. Additionally, it would provide an inadequate quality of living conditions for existing and future occupiers which would not result in a high standard of amenity for existing and future users. Consequently, the proposal would not safeguard and improve the environment and ensure safe and healthy living conditions and would not be an effective use of land nor would it secure well-designed places. Together, this harm would be substantial.
32. Evidence as to the extent of the housing land supply has not been provided, however even if there were a significant undersupply, these substantial adverse effects would significantly and demonstrably outweigh the moderate benefits set out above when assessed against the Framework taken as a whole and having particular regard to key policies. Therefore, the presumption in favour of sustainable development would not apply in this case.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR