



Appeal Decision

Site visit made on 12 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/M3645/W/24/3351484

Tall Chimneys, 13 Trenham Drive, Warlingham, Surrey CR6 9RU

- 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 Stewart against the decision of Tandridge District Council.
 - The application Ref is TA/2023/559.
 - The development proposed is change of use of existing dwelling to create 3 x 2 bedrooms houses.
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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,
 - The living conditions of neighbouring occupiers with particular regard to privacy,
 - Highway safety.

Reasons

Character and appearance

3. Trenham Drive is mainly characterised by pairs of semi detached dwellings in a regular design with a broadly consistent, clear front building line. Houses are set back behind front gardens and verges and there are a few street trees. Front garden areas include soft landscaping and although some are used for car parking the extent of hardstanding varies. Overall, this results in a pleasant open and green character to this streetscene. There are some exceptions to the regular building design, including the appeal site. Nonetheless, these generally follow the established building line with open front garden areas and are therefore in accordance with the pattern of development described above in these regards. Furthermore, 13 Trenham Drive has a soft landscaped, green front garden and there is a street tree on the grassed verge outside the property. This makes a significant positive contribution to the green character of this road.
4. The proposed development would be a terrace of three, two storey houses. These would be set back from the prevailing building line with the front garden laid to hardstanding for parking, bin and cycle storage. Access to the car parking area is shown with hardsurfacing across the eastern part of the front verge.

5. The car parking area and its access along the verge would result in hardsurfacing under an area which includes almost the whole of the extent of the canopy of the street tree. Given the extent and nature of the works in direct proximity to this tree I am not presented with evidence that demonstrates that the development proposed would not result in damage to or the loss or removal of this tree as a result of the proposed development.
6. The development includes a parking area to the front of the proposed houses. Its size is required in order to provide room for six car parking spaces, which meets the number required by the Tandridge Parking Standards Supplementary Planning Document (2012). Nevertheless, due to the set back of the dwellings and the plot width, this would be noticeably larger than others in the street and it would be entirely hardsurfaced with an open front boundary. This would result in an extensive area of hardstanding on this prominent corner plot resulting in a hard, developed appearance to this site. The proposed development would therefore harmfully undermine the positive green characteristics of this area. Taking all the above into account, this would result in substantial harm in this location.
7. Therefore, the proposed development would be harmful to the character and appearance of the area. As such, it would be contrary to policy CSP18 of the Tandridge Core Strategy 2008 (CS), and policies DP7 and DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (LP). Together these require high quality design which respects and maintains the character and appearance of the area, including with regard to residential garden land development.

Living Conditions

8. 2A Meadway is adjacent to the appeal site. It has a small garden to the rear which wraps around the side of the dwelling. At present there are views towards this garden from the first floor windows of the properties along Trenham Drive, albeit these are at an angle.
9. The proposed development would introduce three dwellings with first floor windows facing towards no 2A. The first floor window of the easternmost property would directly face the rear garden. These are the only windows to bedrooms and would need to be clear glazed to provide outlook to these rooms. Therefore, a condition requiring them to be obscure glazed would not be reasonable.
10. The appeal scheme would therefore create direct views in close proximity to the neighbouring garden. There would not be overlooking towards the windows of no 2A and, as set out above, the garden is already somewhat overlooked. Nevertheless, given the immediacy and angle of view, the development proposed would result in additional overlooking to this garden area which would be harmful to the privacy of the existing occupiers.
11. Therefore, the proposed development would be harmful to the living conditions of neighbouring occupiers with particular regard to privacy. As such, it would be contrary to policy DP7 of the LP which, in part, requires that development must not harm the privacy of the occupiers of neighbouring properties.

Highway Safety

12. The proposed development includes a parking area for 6 cars, set in two rows. As well as a new access point onto Trenham Drive.

13. Trenham Drive is a straight road, and the main vehicle access would be close to the junction with Meadway. The proposed development shows the removal of the front boundary treatment which would provide an open frontage and visibility between vehicles and pedestrians. Also, and notwithstanding the findings relating to character and appearance, the street tree would be in the driver's sightline when entering Trenham Drive from the proposed parking area. However, this would not be so large as to fully obscure a whole vehicle or a person. Whilst visibility splays have not been provided, given the above, there is little detailed evidence that adequate visibility would not be achieved.
14. The parking spaces are proposed to be laid out with 6m separation between the rows. Swept path diagrams showing turning areas have not been submitted. However, given the space between the parking spaces is sufficiently large, I have no reason to think that cars would not be able to turn on site and enter or exit in forward gear. Therefore, based on the evidence submitted, I am satisfied that the proposed development would not be harmful to highway safety. However, this lack of harm is a neutral factor which does not weigh in favour of the development.
15. Therefore, the proposed development would not result in harm to highway safety. As such, in this regard, it would be in accordance with policy CSP12 of the CS and policies DP5 and DP7 of the LP. Together these require that development does not create hazards to traffic and other road users, provides a safe environment and suitable access, and has regard to highway design and parking standards.

Other Matters

16. The Council cannot demonstrate a five year supply of deliverable housing sites and therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework 2024 (Framework) 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.
17. The proposed development would provide an increase of two houses in an area where there is a shortfall in the delivery of housing and there is no dispute between the main parties that the quality of accommodation for future occupiers would be adequate. The development would be in a modestly accessible location in a settlement and the number of dwellings on site would increase. I give substantial weight to the value of using suitable brownfield land within settlements for homes. 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 moderate benefits.
18. 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. 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 occupiers which would not result in a high standard of amenity for existing users, safeguard and improve the environment and ensure safe and healthy living conditions. Therefore, it would not be an effective use of land nor would it secure well-designed places. Together, this harm would be substantial, including in terms of paragraph 125c of the Framework.

19. 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

20. 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