



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: 20 March 2025

Appeal Ref: APP/M3645/W/24/3355520

The Lakehouse, Northdown Road, Woldingham CR3 7BD

- 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 Theo Gerber against the decision of Tandridge District Council.
 - The application Ref is TA/2024/829.
 - The development proposed is change of use from annex to residential dwelling. Build side extension, garage and garden outbuilding/store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Plans showing visibility splays and amended floorplans changing a bedroom to a study have been submitted with this appeal which were not before the Council when it made its decision. These changes are minor in nature and the Council has had the opportunity to respond to these documents during the appeal process. For the reasons above, and in the circumstances of this case, the parties would not be prejudiced if I were to consider these documents, and I have taken them into account in this decision.
3. I understand that the Lakehouse is currently used as a separate home, and that the land has been divided into two separate title deeds due to the changed family circumstances of the appellant. This appeal seeks planning permission for the permanent subdivision of the land. This development appears to have taken place, nevertheless, for clarity, this decision assesses the proposal on its planning merits.

Main Issues

4. The main issues are
 - Whether the proposed development would preserve or enhance the character or appearance of the Woldingham Conservation Area.
 - The effect of the proposed development on highway safety.
 - The quality of living conditions for future occupiers.

Reasons

Character and appearance

5. The Woldingham Conservation Area (CA) derives its significance from the layout of the village green, farmworkers cottages and associated manor house of Upper

and Nether Court reflecting its past as a tiny agricultural hamlet and subsequent evolution of the village within its Victorian designed framework with dwellings set in large plots with a road frontage, as set out in the Woldingham Village Design Statement (2005). The generous layout of Upper Court and the detached family homes with large green gardens and boundaries make a positive contribution to the sylvan character and the historic, spacious pattern of development in this area and are an important part of the significance of the CA. The CA is tightly drawn and therefore each property makes a considerable contribution to its overall character. In the wider area, there are some more modern buildings and whilst there are also some smaller houses and terraces, large houses set in their own grounds are prevalent.

6. The appeal site was part of the grounds of the Old Barn, which was a detached family dwelling with a generous plot within the CA. Originally, the host property was part of the larger grounds of Upper Court, but the land was subdivided and a separate dwelling was created at the Old Barn. Nevertheless, its plot was characteristically spacious, and it made a positive contribution to the character and appearance of the area and the CA in this respect.
7. The separate dwelling at the Lakehouse, for which permission is sought, was an ancillary garden building to the Old Barn. It was functionally connected to the main house and its proximity to the main dwelling would have been characteristic of its ancillary use and appearance. The appeal scheme also includes the further subdivision of the original plot to form the garden for the Lakehouse and consequently the reduction of the plot size for the Old Barn. The separation between the Old Barn and the Lakehouse is a timber close boarded fence.
8. The resultant plot sizes for the Lakehouse and The Old Barn are much smaller than those of the detached family homes which are an important part of the significance of the CA, and this remains the case notwithstanding the size of the Lakehouse building relative to its plot. The development also results in two separate dwellings including their attendant cars and other paraphernalia being uncharacteristically closely spaced. These features result in the appeal scheme being at odds with the spacious character of the CA. Furthermore, the boundary fence is in manufactured form, it has an urban appearance and it visibly expresses the subdivision in a manner which detracts from the sylvan garden setting. It is notable in views from the road and from neighbouring plots. Together the plot sizes, the proximity of dwellings and the form of their subdivision harmfully erodes the spacious pattern of development in this area. Taking into account the scale of the contribution that this plot makes to the character of the CA, the appeal scheme seriously undermines the important characteristics of the CA. The character and appearance of the CA would therefore not be preserved.
9. Considering their detached form and layout, the Lakehouse and The Old Barn do not share characteristics with the smaller, terraced, farmworkers cottages which are also found within the CA and therefore they do not reflect the existing character of the area in this regard.
10. The development did not propose a new building, as the annex already existed and the application was not refused on the grounds of the character and appearance of the shared driveway, extensions or their materials. Whilst I do not identify harm in these regards, I am not satisfied that an increase in ancillary built form on this site is an enhancement to the area including the CA. The appellant

has also reinstated the pond on the site, however there is nothing before me to suggest that the subdivision of the site was required for such works to take place. The buildings are not visible within the streetscene, however the separate plots would be perceived from the surrounding properties, as such this harm would be experienced.

11. Therefore the proposed development would not preserve or enhance the character or appearance of the Woldingham Conservation Area. As such it would be contrary to policies CSP18 of the Tandridge District Core Strategy (2008) (CS), policies DP7, DP8 and DP20 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (LP) and policy L1 of the Woldingham Neighbourhood Plan (2016) (NP). Together these seek high quality design that maintains or enhances the character and appearance of the area, including with regard to the development of residential garden land and the spacious character of Woldingham, as well as to protect, preserve and enhance heritage assets, amongst other things.

Highway Safety

12. The access to the Lakehouse is shared with the Old Barn. This is a driveway which leads onto Northdown Road. At present where the driveway meets the road there is dense vegetation on both sides and sightlines are limited.
13. Plans have been submitted which show that the adjoining hedges could be cut back to allow for visibility. However, and notwithstanding any effect on character and appearance, these appear to be part of the boundaries to the neighbouring gardens and are not within the appellant's control. There is little before me to suggest that there is any prospect of the cut back of these hedges occurring. As such the implementation of the proposed visibility splays could not be assured, whether or not a mirror is proposed. Consequently, cars need to protrude into the road to be able to see oncoming vehicles which unacceptably compromises highway safety.
14. The access is the existing driveway for The Old Barn. Although the Lakehouse is currently being occupied as a separate dwelling, this use does not have planning permission. The appeal scheme would therefore result in the intensification of the use of the access by two unconnected properties on a permanent basis. This ongoing increase in comings and goings using an access with inadequate visibility therefore increases the risk to road users and is harmful to highway safety. Whilst there may be properties nearby which also do not have suitable visibility, that does not justify the increased harm to highway safety proposed.
15. Therefore, the proposed development would be harmful to highway safety. As such, it would be contrary to policy CSP12 of the CS and Policy DP5 of the LP. Together these require that development does not create hazards to traffic and other road users, provides a safe and suitable access, having regard to highway design standards.

Living Conditions

16. As set out above, the appeal is considered on the basis of floorplans which show a one bedroom dwelling with a study. The study would be 6.3m³ and 1.95m wide. This would be undersized against the Nationally Described Space Standards for a single bedroom. However, based on the evidence before me in this case, this would be an appropriately sized room for its proposed use as a study.

17. Therefore, the proposed development would provide acceptable living conditions for future occupiers. As such, in this regard, it would be in accordance with policy DP7 of the LP which, in part, requires a satisfactory environment for the occupiers of the new development.

Other Matters

18. A previous planning appeal (APP/M3645/W/23/3329843) determined that a condition requiring that the annex should only be occupied for purposes ancillary to the residential use of The Old Barn was not necessary to ensure the annex remained incidental to the use of the host property as a single-family dwelling. I have taken this into account insofar as it is relevant, however that decision does not consider the merits of any change of use of the annex to a separate, independent dwelling with the associated subdivision of the plot.
19. Permission is sought due to the changed family circumstances of the appellant. However, the proposed development would remain after the current personal considerations change. For these reasons, the weight I give to this matter is limited. The Lakehouse and The Old Barn are under two separate title deeds. However, this is a private legal matter, and this does not alter the planning merits of the case. The existing plans show an annex which is functionally connected to The Old Barn. Whilst development has already taken place, the appeal scheme is nevertheless for a change of use for which planning permission is required. The appellant has also reinstated the pond, which would have benefits for biodiversity, albeit as set out above, the subdivision of the land was not required for such works to occur.
20. The proposed development would create a single new dwelling in a suitably accessible location in Woldingham with the associated social and economic benefits of this in a borough where the delivery of housing has been substantially below the housing requirement over the previous three years. Whilst there is no mechanism to secure the property as affordable housing, it would be a small, accessible property that would suit the need for downsizing, which is encouraged by the NP. The proposal would use brownfield land within a settlement for homes and I give substantial weight to the value of using such land. These are important benefits. Nevertheless, taking all the above into account and given the scale of the development in this case, overall, these would be modest benefits.

Heritage Balance

21. The National Planning Policy Framework (2004) (Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the scheme.
22. As set out above, the public benefits of this scheme would be modest. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I attribute considerable importance and weight to the serious harm identified. Accordingly taking all the above into account, the public benefits would not outweigh the harm to the CA. Consequently, in the context of paragraph 125c)

of the Framework this would amount to substantial harm and would represent a strong reason for refusing development in the terms set out in footnote 7.

Conclusion

23. 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