Planning Inspectorate

Appeal Decision

Site visit made on 30 April 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 MAY 2025

Appeal Ref: APP/M3645/W/24/3354171
34 Sunnybank, Warlingham, Surrey, CR6 9SR

- 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 Ms Louise Gregory against the decision of Tandridge District Council.
- The application Ref is TA/2024/674.
- The development proposed is erection of single story dwelling with off road parking and private garden.

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, and flood risk.

Reasons

Character and appearance

3. This part of Sunnybank includes pairs of semi-detached houses with long, narrow rear gardens, and the extent of these plots is seen in glimpsed views in the gaps between buildings. In the vicinity of the appeal site, Albert Road is characterised by these open gardens associated with the Sunnybank properties and their modest, secondary outbuildings. Elsewhere along Albert Road there are two storey semi detached and terraced houses and a larger detached house. They mostly have small front gardens resulting in a regular layout and alignment. There are also single storey dwellings at no 7 and at no 19/21 Albert Road. However, these are not so common as to form part of the prevailing character and appearance of this road. Furthermore, these houses are in wider plots than the appeal site, with a more spacious layout and therefore differ from the appeal scheme. Overall, the mainly open, soft landscaped character to these rear gardens results in a pleasant sense of spaciousness along this part of Albert Road and to the plots along Sunnybank.

4. The proposed development would introduce a single storey dwelling to the appeal site. It would be a long and narrow building with the main fenestration to the front and rear and the entrance to the side. The side elevation would be sited up to the boundary with 32 Sunnybank, and the rear would broadly align with the rear elevation of 7 Albert Road. The dwelling would be set back from the road with the front garden mainly laid to hardstanding providing space for car parking and bin storage.

5. The appeal site would be smaller and would have a narrower frontage than the prevailing residential plots in the surrounding area. Even with the slender access path to the entrance elevation, the proposed dwelling would appear long and narrow in its form and very close to both side boundaries. Furthermore, although the front of the dwelling would align with that at 7 Albert Road, the front garden area would be filled with domestic paraphernalia in the form of cars and bins with little space for pedestrians to access the property. Together, this would result in the proposed development appearing cramped within this plot and it would harmfully undermine the open and spacious character of this area.

6. 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 District Core Strategy (2008) (CS) and, Policies DP7 and DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (LP). Together these require that new development is a high-quality design that respects local character and set criteria for residential garden land development including that it must maintain the character and appearance of the area, and not result in the inappropriate subdivision of existing curtilages, amongst other things.

Flood risk

7. Policy DP21 of the LP requires that proposals should seek to secure opportunities to reduce both the cause and impact of flooding including through the incorporation of Sustainable Drainage Systems (SUDS). The site is in Flood Zone 1 where there is a low probability of flooding, nevertheless, the National Planning Policy Framework (2024) (Framework) also states that applications which could affect drainage on or around the site should incorporate SUDS and the Planning Practice Guidance sets out a hierarchy of drainage options from infiltration to a combined sewer as the least preferable.

8. The proposed development would increase the amount of development on a garden area which would be likely to affect drainage. The appellant's evidence suggests that the property would discharge water to the mains sewage system. However, in the absence of evidence indicating that other drainage options would not be possible, or any detail of SUDs, in this regard, I am not satisfied that the proposed development would not reduce the cause or impact of flooding.

9. Consequently, the proposed development would have a harmful effect on flood risk. Therefore, it would be contrary to Policy DP21 of the LP, the aims of which are set out above.

Other Matters

10. The Council cannot demonstrate a 5-year supply of deliverable housing sites. As such, the presumption in favour of sustainable development contained within paragraph 11 d) of the 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.

11. The appeal scheme would provide one new dwelling in an urban area where there is a shortfall in the delivery of housing along with the associated social and economic benefits of this provision. 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 modest benefits.

12. 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. The creation of high quality places is fundamental to what the planning and development process should achieve. 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 be harmful to flood risk and consequently the development would not function well. A ssuch, it would not be an effective use of land nor would it secure well-designed places and together, this harm would be significant.

13. Evidence as to the extent of the housing land supply has not been provided, however even if there were a substantial undersupply, these significant 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

14. 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