



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: 03 JUNE 2025

Appeal Ref: APP/M3645/W/24/3357039

Land to the Rear of 19 Crescent Road, Caterham, CR3 6LE

- 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 Eivind Hatteland and Sarah Dunn against the decision of Tandridge District Council.
 - The application Ref is TA/2023/1330.
 - The development proposed is new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land to the Rear of 19 Crescent Road, Caterham, CR3 6LE in accordance with the terms of the application, Ref TA/2023/1330, subject to the conditions in the attached schedule.

Preliminary Matters

2. Arboricultural details and plans including a change to the grading of the rear bank have been submitted with this appeal which were not before the Council when it made its decision. This provides additional detail in relation to trees and the changes are minor in nature. Furthermore, the Council has responded 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.

Main Issues

3. The main issues are
 - The effect of the proposed development on the character and appearance of the area.
 - The effect on the living conditions of neighbouring occupiers including with regard to privacy and any overbearing effect to 19 and 19b Crescent Road.
 - The quality of the living conditions of future occupiers with particular regard to outdoor space.

Reasons

Character and appearance

4. The land slopes steeply upwards from Crescent Road to the wooded hillside behind, and the trees make an important and highly visible contribution to the

character of the area. In this area, the pattern of development includes dwellings fronting the road, as well as dwellings to the rear of these frontage properties set further up into the hillside which are generally clearly visible in their wooded surroundings. As such, houses at a higher level to the rear of frontage properties are part of the existing character of this area. Plot sizes are varied and the appeal site is similar in size to other plots in this area.

5. The appeal site is open land which is to the rear of 19 and 19b Crescent Road. The site has been graded with a broadly level area of lawn in its centre and steeply sloping land which is heavily planted to the front and rear resulting in a verdant character to this site.
6. The proposed development would introduce a dwelling, approximately on the lawned area of the site. It would be a chalet bungalow style with dormers serving accommodation at first floor level.
7. The proposed dwelling would be set into the hillside, which would be in keeping with the prevailing layout in this area as described above. The size and scale of the dwelling and the plot size would be similar to others in this area and would not be below the prevailing plot size. Furthermore, although a large part of space around the dwelling would be landscaped and sloping, these natural features in an undeveloped part of the site would ensure that the built development would appear appropriately spacious within this plot.
8. The submitted arboricultural implication plan indicates that a total of 8 trees would be removed, however these are central within the plot and cannot be seen beyond the site itself. Subject to the implementation of recommendations in the Tree Protection Plan and Arboricultural Method Statement all other trees would be retained, and this could be secured by condition. Due to the close proximity of trees the proposed property may experience leaf fall and shading, however alongside the requirements of a landscaping condition, there is sufficient space on the site away from the patio areas that even if some pruning took place around the patios, the site as a whole would remain suitably wooded.
9. The Caterham, Chaldon & Whyteleafe Neighbourhood Plan (2021) (NP) identifies the view of Timberhill Park from Crescent Road as a Locally Significant View. This is the view away from Crescent Road towards the important recreational area. The houses along Crescent Road, including the appeal site, are not indicated as a key part of this view.
10. There is ambiguity in the evidence as to whether this would be residential garden land development. Nevertheless, I am satisfied that the proposal complies with part A of Policy DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (LP) for the reasons above. Although I recognise that Part B of Policy DP8 normally seeks to resist tandem and in-depth development of garden land, because of my conclusions in respect of character and appearance I am satisfied that the development would comply overall with Policy DP8.
11. Consequently, the proposed development would be appropriate to the character and appearance of this area. Therefore, it would be in accordance with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS), Policies DP7 and DP8 of the LP and Policies CCW4 and CCW10 of the NP. In addition to the aims set out above, together these require high quality design that respects the local

character and distinctiveness and does not have a significantly detrimental impact on the locally significant views.

Existing living conditions

12. The properties at 19 and 19b Crescent Road are at a much lower land level than the proposed dwelling. They each appear to have a terraced area with a sloping grassed garden beyond up to the boundary of the appeal site and are located between around 27-35m from the proposed dwelling. There is planting to their rear boundaries with a line of conifers annotated to be 6m high and the arboricultural details show that these trees and their root protection zones would be outside the tree protective fencing and therefore protected and retained during the works.
13. The proposed dwelling would have windows to the front elevation serving a living room/kitchen and at first floor the windows would be to bathrooms and en suites. Evergreen planting is proposed to the front boundary.
14. Due to the existing and proposed evergreen planting and boundary treatment, views between the existing and proposed properties would be heavily screened. Furthermore, there is a notable separation distance between these houses. In addition, given the uses of the first floor windows, it would be appropriate for these to be conditioned to be obscure glazed which would prevent any views from these locations. Subject to securing these measures by condition, the existing occupiers of nos 19 and 19b would retain appropriate levels of privacy and outlook and the proposed development would not be unacceptably overbearing.
15. The stepped access path provides access to number 17a and there is screening to the gardens to either side of the access by fencing and planting. As such only glimpsed, transient views are possible. The proposed development would increase the numbers of comings and goings along this path, however the additional movements associated with a single new dwelling would be modest. Therefore, there would not be unacceptable harm to the privacy of these occupiers.
16. Due to the access arrangements, construction including transporting materials and tools to the site may be awkward. Consequently, a construction management plan would be required to ensure that suitable methods of construction can be utilised which would not result in unacceptable noise or disturbance to neighbouring properties. This should be secured by condition.
17. Therefore, the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers including with regard to privacy and any overbearing effect to 19 and 19b Crescent Road. As such, it would be in accordance with Policy CSP18 of the CS and Policy DP7 of the LP. Together these require that the proposed development would not significantly harm the amenity of neighbouring properties including with regard to privacy and overbearing effect.

Future occupiers' living conditions.

18. The proposed dwelling would be sited centrally within the plot with patio space on all sides. Due to the layout and access to this property away from the road, these spaces would all be reasonably private. There would be parts of the garden, particularly to the north, where the gradient of the land and planting may result in the area being quite dark. However, due to the layout within this plot other areas

around the house would be likely to be suitably well lit and private for use as garden space. The gardens would be terraced, highly landscaped and steep in places. Nevertheless, taking into account the varied uses of garden areas, overall, the proposed development would provide suitable functional and well lit outdoor space for future occupiers.

19. Notwithstanding its ownership, the appeal site is currently used by the occupiers of no 17a as outdoor space. However, I am not presented with substantive detail that this property would have an inadequate garden area as a result of the proposed development.
20. Therefore, the proposed development would have an acceptable effect on the quality of the living conditions of future occupiers with particular regard to outdoor space. Consequently, it would be in accordance with Policy DP7 of the LP which requires appropriate garden areas and a satisfactory environment for the occupiers of the new development.

Other Matters

21. The Tandridge District Parking Standards require 2 car parking spaces to be provided for a 3 or more bedroom unit. The proposed development would provide 2 tandem spaces for the proposed dwelling, and 2 spaces for no 17a. Therefore, it would meet these standards. As such the proposed development would be unlikely to lead to harmful overspill parking. Refuse storage is provided adjacent to the house, which would need to be moved to the street on collection day. This arrangement is the same as others in this street, and I have no evidence to suggest that this does not function satisfactorily. Consequently, the proposed development would be provided with adequate refuse storage.
22. Policies CSP17 of the CS and DP19 of the LP require the protection, maintenance and enhancement of biodiversity. There is no substantive detail before me that the development would directly or indirectly affect protected or priority species. Nevertheless, a condition requiring a scheme to maintain and enhance biodiversity of the site would be required in order to satisfy these policies.
23. Structural matters would be covered by building regulations where relevant, and separate planning permission would be required for any new development which is not part of this decision and would not fall under permitted development rights. It is put to me that the appellant may need to cross land outside their ownership to access the site. However, private legal rights would be dealt with under other legislation and consequently this does not alter my decision.
24. The appeal site was most recently used as a residential garden and is within a built up area. As such, it would not be considered as brownfield land for the purposes of the National Planning Policy Framework (2024) (Framework) and this would therefore not weigh in favour of the proposed development.

Conditions

25. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.

26. The standard implementation condition is attached and in the interests of certainty a condition to define the plans with which the scheme should accord. Conditions requiring that materials are in accordance with the submitted details, and details of hard and soft landscaping are needed in the interests of the character and appearance of the area. A condition requiring a scheme to maintain and enhance biodiversity is also required for the reasons set out in the main body of the report
27. Implementation of the recommendations in the Tree Protection Plan and Arboricultural Method Statement is required as set out above and in order to preserve the character and appearance of the area. The report includes recommendations for a further detailed Arboricultural Method Statement and therefore a requirement for this submission is also needed for the same reasons. These are required to be pre commencement conditions as the measures are required for the full duration of the works.
28. As set out above, given the complexities with construction and the proximity of neighbouring occupiers, a construction method statement is required so as to protect the living conditions of nearby occupiers. This is a pre commencement condition as the details would be needed prior to any work starting on site.
29. Details of cycle parking are necessary to promote sustainable transport modes and a condition requiring the implementation and retention of car parking is included in the interests of the highway network and highway safety. However, the installation of electric vehicle charge points in new homes is covered by building regulations and therefore a condition requiring this provision would not be necessary or relevant to planning, and it has not been included.
30. Details of sustainable drainage systems (SUDs) are needed to ensure that the development does not increase flood risk and these details should be pre commencement as the measures are required for the full duration of the works. A condition to secure the implementation of solar panels is also required so that the development contributes to the reduction of carbon dioxide emissions.

Conclusion

31. For the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision refers to drawing numbers, 311.06 proposed plans rev F, 311.11 proposed block plan rev D, 311.00 site location plan rev D, 311.05 proposed site plan rev G, 311.09 proposed site section rev H, 311.08 proposed rear and side elevations rev H and 311.07 proposed front and side elevations rev H. The development shall be carried out in accordance with these approved drawings.
- 3) The development hereby permitted shall not commence until the tree protection measures detailed within the approved Tree Protection Plan (UA/TPP/1) and Arboricultural Method Statement (Usherwood Arboriculture 29th November 2024) have been implemented. Thereafter these measures shall be retained and any specified methods of construction, arboricultural supervision or staging of works strictly adhered to throughout the course of development.

In any event, the following restrictions shall be strictly observed:

- i) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
 - ii) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
 - iii) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
- 4) The development hereby permitted shall not commence until a detailed Arboricultural Method Statement including details of pruning, the routing of services, location of site welfare facilities, construction of cycle and bin stores, and further details of material storage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved arboricultural method statement.
 - 5) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG. Prior to the first occupation of the development hereby permitted the approved surface water drainage scheme shall be provided and shall be retained as such thereafter.
 - 6) The development hereby permitted, including any works of demolition, shall not commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall take place above slab level until a scheme to maintain and enhance biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development.
- 8) The development hereby permitted shall not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) hard surfacing materials
 - iv) soft landscaping details

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The hard landscape works shall be carried out prior to the occupation of the development.

- 9) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking shall be retained for its designated purpose.
- 10) The development hereby approved shall not be occupied unless and until details of facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted the cycle parking and charging shall be provided in accordance with the approved details and retained for its designated purpose.
- 11) The development hereby approved shall not be occupied unless and until the photovoltaic solar panels as specified in the application details have been installed and this system shall thereafter be retained in perpetuity in accordance with the approved details.
- 12) The development hereby approved shall not be occupied unless and until the first floor windows to the front elevation have been fitted with obscured

glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 13) The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.