



Appeal Decision

Site visit made on 7 May 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 JUNE 2025

Appeal Ref: APP/M3645/W/25/3360029

2 St Lukes Court, Whyteleafe, Surrey CR3 0FJ

- 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 Matthew Pearson against the decision of Tandridge District Council.
 - The application Ref is 2024/688.
 - The development proposed is 1 x 2 bed new build flat.
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Decision

1. The appeal is allowed and planning permission is granted for 1 x 2 bed new build flat at 2 St Lukes Court, Whyteleafe, Surrey CR3 0FJ in accordance with the terms of the application, Ref 2024/688, subject to the conditions in the attached schedule.

Preliminary Matters

2. The existing plans show the kitchen window of the adjacent second floor flat set back from the road whereas I saw on site that the window is flush with Whyteleafe Road. This inaccuracy has not affected my assessment of the proposal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the building and the surrounding area.

Reasons

4. St Lukes Court is a modern flatted development between two and four storeys high, clad in brick, render and timber. It is located at the junction of Whyteleafe Hill and St Luke's Road, close to Whyteleafe railway station. The proposal is to add a two bedroom flat above a two storey part of the building.
5. The planning history of the site indicates that, as originally consented and constructed, the building was between two and three storeys high, with the fourth storey having recently been added following the granting of prior approval¹. The addition of a fourth storey represents an evolution of the original design concept of the building, which was based upon a hierarchy of elements in contrasting materials, with visual prominence accorded to the frontage facing Whyteleafe Hill.
6. The part of the building where the additional flat is proposed comprises undercroft parking with a flat above. The proposal would increase the height of this part of the building above the adjoining three storey element but below the fourth storey of the building. By being subservient to the main part of the building and replicating the

¹ LPA reference 2021/1745

dark stained timber cladding of the flat below – in contrast with the cream render which predominates elsewhere – the proposal would continue the original design concept of a hierarchy of contrasting elements, and in so doing would be an appropriate response to the recent increase in the height of the building.

7. The additional element would be seen in longer views up Whyteleafe Hill but being lower than the highest part of the building and having a backdrop of tall buildings on Godstone Road, it would not compete visually with the four storey section of the building which fronts Whyteleafe Hill. Looking down from the junction of Godstone Road and St Luke's Road, the additional element, being clad in dark stained timber, would be seen against the backdrop of existing buildings and trees and would be relatively unobtrusive. Seen from St Luke's Road, the additional height would add marginally to the sense of enclosure along that road, but not to the extent of being harmful.
8. My attention has been drawn to a dismissed appeal for a flat in the same position². When that decision was made, the additional storey, although approved, had yet to be constructed and there was no certainty that it would be, and it therefore carried limited weight in decision-making. In the context of that appeal, an additional flat which would have been the highest part of the building was viewed as harmfully unbalancing the appearance of the building. The subsequent construction of the fourth storey carries significant weight in decision-making, because instead of the proposal being conspicuously the tallest element of the building, it would instead be a subordinate element. The result would be to reinstate the balance and hierarchy of the building, a point alluded to by the previous Inspector. There is as a result no inconsistency with the previous appeal decision.
9. I therefore conclude that the proposal would not harm the character and appearance of the building and the surrounding area, and would be in accordance with Policy CSP18 of the Tandridge District Core Strategy, Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2019 and policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan. Together these policies require new development to be of a high standard of design which, amongst other things, reflects local context, character and vernacular, and enhances the quality of built form.

Other Matters

10. The Council has acknowledged that it cannot demonstrate a five year supply of deliverable housing sites. However, as the proposal accords with the development plan as a whole and there are no material considerations to the contrary, there is no need to consider Paragraph 11 of the National Planning Policy Framework.
11. Interested parties including Whyteleafe Village Council have highlighted congestion within the existing car park and on street parking stress locally, and the consequent need for additional parking provision, and increased bin storage. However, the site is sustainably located, being opposite Whyteleafe railway station, and affords future residents a choice of modes of transport. On this basis the County Highway Authority has not objected to the proposal, and there is no reason for me to disagree with this conclusion. Furthermore, an additional flat is unlikely to have a significant effect on existing bin storage arrangements at the site.

² Appeal reference APP/M3645/W/22/3292942

12. Concerns regarding potential overlooking have been raised by interested parties. The proposed flat would not have any windows facing towards the adjacent second floor flat, and whilst it would have three windows facing towards the properties in Godstone Road, the distance between the respective buildings would be sufficient to protect the privacy of occupiers. The appeal building already has windows a similar distance away from the properties in Godstone Road.
13. The risk of overshadowing has been raised by the same parties. The building currently presents a large blank wall to the terrace of the adjacent flat, whose kitchen/living room has windows which open on to the terrace. Raising the height of this wall will change the outlook from the flat and its terrace, but the principal outlook from the flat will continue to be towards St Luke's Road and Whyteleafe Hill, from where daylight and sunlight will be unimpeded. Consequently, the change in the outlook from the terrace and kitchen/living room of the existing flat will not be so significant as to be harmful. Given the separation distance to properties in Godstone Road, overshadowing is unlikely to occur.
14. Several residents of the appeal building have reported that the construction phase of the recently constructed pair of flats was beset with problems, and wish to avoid a repeat of such issues. Given that legislation exists to ensure that residents are protected from nuisance during the construction phase, this matter does not provide a basis for dismissing the appeal, but a condition should be imposed to ensure that in future such issues do not arise.

Conditions

15. The Council has recommended that six planning conditions be imposed in the event that the appeal is allowed. The appellant has not objected to any of the proposed conditions. In assessing the need for the conditions, I have had regard to the policy requirements contained in the development plan and assessed the conditions in relation to the six tests set out in the Framework.
16. The plans are annotated to show some of the proposed windows being partially obscure glazed. Given my conclusions above regarding overlooking, I do not consider that obscure glazing is necessary, and nor do I consider it appropriate in the case of principal living rooms. I have therefore not attached a condition to this effect.
17. In the interests of certainty, I have imposed a time limit condition (No 1) and a condition listing the approved plans (No 2).
18. Although not suggested by the Council, in order to ensure that the development is carried out without adverse impacts on neighbours' amenities or highway safety, a construction management plan should be implemented (No 3).
19. To ensure that suitable living conditions are achieved for future occupiers, a condition is needed to ensure that measures are installed to control noise levels (No 4).
20. Although the appeal site already contains a block of flats and a hard surfaced car park, it is prudent to ensure that surface water is appropriately disposed of, and I have therefore attached a condition to this effect as requested by the Lead Local Flood Authority (No 5).

21. A condition requiring the appellant to demonstrate a 10% reduction in carbon emissions is appropriate in order to make the development sustainable (No 6).
22. To encourage the use of alternative modes of transport, a condition requiring cycle storage is needed (No 7).
23. To ensure that appropriate materials are used, I have attached a condition requiring that the external materials of the development shall match those used in the flat below (No 8).

Conclusion

24. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2012/A/010D, 2012/A/011C and 2012/A/012D.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved by the Local Planning Authority, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works including measures for traffic management
 - e) provision of boundary hoarding behind any visibility zones
 - f) heavy goods vehicle deliveries and hours of operation
 - g) vehicle routing
 - h) measures to prevent the deposit of materials on the highway

The approved details shall be implemented during the construction phase of the development.

- 4) Prior to the commencement of the development, a specification in relation to the standard of construction and the mechanical ventilation system to demonstrate that the internal and external noise levels will conform to the guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings, in accordance with the recommendations contained within the Noise Impact Assessment dated 6 February 2022 by DAA Group, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall be carried out prior to occupation of the flat and be retained thereafter.
- 5) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme which satisfies the SuDS hierarchy have been submitted to and approved in writing by the Local Planning Authority.
- 6) No development shall start until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated into the development.
- 7) The development hereby approved shall not be first occupied until secure and covered parking of one bicycle has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the facilities shall be retained and maintained.
- 8) The external materials of the flat hereby permitted shall precisely match those used in the flat below.

End of schedule