



Appeal Decision

Site visit made on 16 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/M3645/W/25/3364013

1-30 Oakleigh Court, Church Lane, Oxted, Surrey RH8 9PT

- 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 Steven Foulis against the decision of Tandridge District Council.
 - The application Ref is TA/2024/1209.
 - The development proposed is Erection of a fourth floor extension to create 4 No 2 bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the amended application form. This accurately and clearly indicates the site to which this appeal relates.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - The quality of living conditions for existing and future occupiers with particular regard to car parking.

Reasons

Character and Appearance

4. Oakleigh Court is a large block of four storey flats and is the tallest building in this area. It extends along the Church Road frontage and into the site in a single mass with protruding lift shafts. It is directly opposite the open space at Master Park, and is highly visible. Along this part of Church Lane there are also three storey blocks of flats, two storey semi detached houses and, on the corner of Station Road West there is a multi-sided block which is three storeys with accommodation within the pitched roof. Overall, the modest height and bulk of the buildings in this area result in a pleasant residential suburban appearance which is clearly evident in public views including from the park.
5. The proposed development would introduce an additional storey above the elevation fronting Church Road with lift shafts above the proposed 5 storey height. It would be sited directly above the lower floors and would replicate their design,

with a set in from the houses on Master Close. No other alterations to the elevations are proposed.

6. The development would result in the building being a large 5 storey development, notably taller than other buildings nearby. Even with the set back to the northern side, the development would appear as a pronounced increase in height and mass from the neighbouring two storey houses which would jar with the modest character of this area. It would not be set back from the front elevation and this increase would be visually prominent, particularly from the park opposite. Therefore, this would be a bulky addition which would be unacceptably dominant and would harmfully erode the pleasant modest suburban appearance of this area. Taking into account its scale and visibility the appeal scheme would be substantially harmful to the character and appearance of the area.
7. The Station Road West Conservation Area (CA) is directly adjacent to the appeal site. I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Its significance is derived from its high quality buildings with impressive vernacular revival shopfronts along Station Road West. I have visited the appeal site and I agree with the main parties that due to its siting away from these important features the proposed extension would be largely unnoticeable from the CA. Therefore, the proposed development would preserve the character and appearance of the CA. Nevertheless, the lack of harm in this regard does not overcome the harm to character and appearance identified above.
8. 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 Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (DP). Together these seek a high standard of design from new development which respects character, setting, and the local context of the area in which it is located, amongst other things.

Living Conditions

9. The Tandridge Parking Standards set out that 1.5 spaces per flat plus a visitor space should be provided for a development of this type. The existing car park provides 11 surface car parking spaces for 40 flats, as well as some spaces in garages, albeit these are undersized. In addition, and having regard to representations, there is no capacity for additional vehicles to park on the site.
10. The appeal site is located very close to shops, services and public transport links, and the development would be required to provide cycle parking. As such occupiers would benefit from a choice of sustainable transport modes. Consequently, car ownership is likely to be low and Surrey County Council have not objected to the proposed parking arrangements.
11. The appellant indicates that an automatic vehicle barrier would be installed to the existing car park in order to restrict access for occupiers of the proposed new units only. However, I am not provided with detail as to how this would operate including how only occupiers of the proposed units would be excluded from the car park in perpetuity. Nor any mechanism to demonstrate that this could be reasonably, and enforceably secured for the lifetime of the development.

12. Furthermore, the area does not appear to be within an area where permits are required for on street car parking. The vast majority of on street car parking in this area has restrictions preventing parking at certain times and days. Although the parking survey shows that spaces are available, these would only be suitable for short stays for the majority of the week or parking at specific hours overnight. Therefore, they are unlikely to provide suitable car parking for occupiers on a long term basis.
13. Therefore whilst car ownership is likely to be low, there is no mechanism that would secure the zero parking approach proposed by the appellant. Given the site specific circumstances including the lack of available car parking spaces on the site, or long term on street car parking, any additional car parking would displace existing occupiers and would lead to them being unable to park near their homes. This would result in unacceptable living conditions for occupiers.
14. Therefore, the proposed development would result in an unacceptable quality of living conditions for existing and future occupiers with particular regard to car parking. Therefore, in this regard, the proposed development would be contrary to policy CSP18 of the CS and Policy DP7 of the DP. Together, in part, these require that development does not significantly harm the amenity of occupiers of neighbouring properties and provides a satisfactory environment for the occupiers of both the existing and new development.

Other Matters

15. I have considered the pre application enquiry response for this site. However, this included the provision of 4 car parking spaces and the response included advice to include a set back from the front elevation. As such, and taking into account the main issues in this case, there are clear differences to the appeal proposal.

Planning Balance

16. The Council cannot demonstrate a 5 year supply of deliverable housing sites and the appellant states that it was reported as less than 2 years in May 2024. Furthermore, the delivery of housing was substantially below the housing requirement over the previous three years. In addition, I understand that the Council's emerging local plan is suspended, so this matter is unlikely to be resolved for some time. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework 2024 (Framework) is 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 appeal scheme would provide four new dwellings in an accessible location where there is an ongoing shortfall in the delivery of housing, and I give significant weight to the provision of housing. The number of dwellings on site would increase and this would be an efficient use of land. There would also be associated social and economic benefits. The proposal would be a small site and would use brownfield land within a settlement for homes and I give substantial weight to the value of using such land. 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 small scale of the development, this results in important but overall modest benefits.

18. On the other hand, for the reasons set out above the proposed development would result in clear and prominent 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 occupiers with regard to car parking which would not result in a high standard of amenity for future 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. Therefore, these substantial adverse effects would significantly and demonstrably outweigh the modest benefits set out above when assessed against the Framework taken as a whole and having particular regard to key policies. Consequently, 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. For the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR