

Town and Country Planning Act 1990

Land at 'Grafton House', 128 Westhall Road,
Warlingham, Surrey, CR6 9HF

Appeal against the decision of Tandridge District Council (TDC) to refuse planning permission for a proposal to demolish the existing detached 2-storey dwelling of Grafton House and to erect 5no. detached dwellings with associated garages/parking and formation of new access drive onto Westhall Road

Appellant's Rebuttal Statement

PINS Ref: APP/M3645/A/14/2213582

TDC Application Ref: TA/2013/1666

Prepared by:

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AB P&D Reference:

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Date: 7th April 2014

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- A. Photo Location Plan 100-02 & Images of Appeal Site & Immediate Surroundings

1: INTRODUCTION

- 1.1 AB Planning & Development Limited has been instructed by Banner Homes Southern Limited to present this short further Statement as a Rebuttal to the LPA and Third Party comments submitted to the Planning Inspectorate and copied to us under cover of the PINS letter dated 27th March 2014.
- 1.2 The Statement addresses the evidence contained within the LPAs Statement of Case evidence contained within its letter dated 21st March, including the three attached appendices plus the short statement from Miss Mayle, dated 21st February 2014.

2: THE LPA EVIDENCE

- 2.1 On the basis that much of the Council's evidence relies on its Planning Case Officer's original report, our initial Statement of Case addresses most of the Council's case. However, where additional evidence has been presented in the five numbered paragraphs and in the three attached appendices, our rebuttal comments are as follows:
- 2.2 Paragraph 1 and Appendix 1 - The appeal decision referred to (PINS Ref: APP/M3645/A/14/2202019) relates to a prominent corner plot location at No.94 Westhall Road. Although the two sites share the same Westhall Road address, they are separated by more than 400m and the character and appearance of the two sites and their immediate areas differs considerably. Whilst No.94 and the neighbouring properties tend to be mostly larger properties on large landscaped plots, with wide separations between the great majority of properties, the character and appearance of the area around No.128 varies considerably and features a great many properties in Westhall Road, in Bournewood Grove, in Homefield Road, in Tydcombe Road, Waterfield Drive and Ballards that are at much closer separation distances and feature some properties that are set back from frontage developments in short cul-de-sacs. The plan and photographic images attached at Appendix A to this Statement show where development patterns similar to those now proposed already exist in the immediate vicinity of the appeal site.
- 2.3 Within a 250m radius of the centre of the appeal site at No.128 Westhall Road, Warlingham there are twenty-seven instances of neighbouring properties separated by distances of between 2.2m-4.0m, which is similar to the separation distances proposed between proposed Plots 3-5 and is, therefore, an established characteristic feature of the local area. This includes eight instances of pairs of neighbouring houses within 200m along Westhall Road being separated by distances ranging from 2.2m to 3.75m. This includes near neighbours Nos.125-127, 131A-133, 130-142 and 145-147 Westhall Road There are two more instances of properties in neighbouring Homefield Road being 3.2-3.7m apart (Nos.29-31 and 33-35), one more instance in the adjoining Bournewood Grove development (Nos.1-2) where the properties are 2.35m apart, three more instances in Tydcombe Road, where the houses are between 2.5m-4.0m apart (Gransden Cottage and Horton, plus Ashcroft and Beech House), and five more instances in nearby Waterfield Drive, where the houses are between 2.3m -4.0m apart (Nos. 1-3, 3-5, 5-7, 7-9 and 2-4).

- 2.4 Tandem-style development is not untypical in this part of Warlingham, with Bournewood Grove, immediately adjoining the appeal site to the south and Waterfield Drive just 200m to the southwest. In addition, the Council have already accepted that they would be agreeable to four houses on this site, with two at the front and two at the rear, so they are not opposed in principle to this style of development, nor do they consider it uncharacteristic of the neighbourhood.
- 2.5 In terms of housing numbers, height scale and massing, the proposed dwellings are not substantively different to those previously approved and recently constructed on the neighbouring site at Bournewood Grove; so the Council's stance in considering this application appears inconsistent and irrational.
- 2.6 For all of the above reasons and as previously explained in our initial Statement of Case, we earnestly believe that the Council's first ground for refusal is unsound and it is not substantively justified by their paragraph 1 and 2 evidence, nor their reliance on an appeal decision at a property well over 400m away from this appeal site, in an area of very different character and appearance.
- 2.7 Insofar as the second refusal reason is concerned, the Planning Case officer's report on which the Council bases much of its case, acknowledges that the separation distances between plots and between balconies and neighbouring properties satisfies the Council's adopted minimum standards. Whilst the Council suggest those are minimum standards, they are nevertheless standards that are complied with and which the Council have specified as the minimum necessary to protect and preserve amenities. In such circumstances, the Council's second refusal reason appears to be without justification.
- 2.8 With respect to the Council's third reason for refusal, the Appellant accepts that it is appropriate for the Council to be seeking to achieve a minimum 10% saving in energy/carbon reduction in their approach towards development of this type. The Appellant therefore provided at the application stage their supplementary planning statement that addressed the specific Sustainable Construction techniques and technologies that would be applied as an integral element to the new house designs and construction. Unfortunately, rather than being proactive and positive towards the development proposals; because Officers had pre-determined that they would resist five dwellings on the plot rather than their stated personal preference for four, they then sought to argue non-compliance with Core Strategy policy CSP14 solely on the grounds that the technologies referred to in the submitted Sustainable Construction report did not appear on the accompanying drawings.

- 2.9 That matter was specifically addressed in the supplementary drawings that I included as part of our appeal Statement of Case evidence at Appendix F and could have easily been addressed at the application stage, had the LPA Officers simply asked for those additional drawings at that stage.
- 2.10 The suggestion made at paragraph 5 of the Council's evidence that the matter could not be satisfactorily be addressed by condition does not appear robust. The requirements of Core Strategy Policy CSP14 can easily be addressed by reference to the submitted Sustainable Construction report and the Appellants supplementary plan Drawing No.PL/040175/10 Rev B, in an amendment to the Council's suggested wording of proposed Condition of approval No.4 and by deletion of reference to plan PL/040175/10 Rev A from suggested Condition No.2. In all other respects, the Council's suggested Conditions of Approval, included at Appendix 3 to the Council's evidence appears acceptable to the Appellant.

3: THE EVIDENCE OF MISS MAYLE

- 3.1 The Appellant acknowledges what near neighbour Miss Mayle has recognised that there have been other instances in recent years within the general vicinity of the appeal site when large properties in Westhall Road have been demolished in order to facilitate more comprehensive residential redevelopments of the plots. Such previous developments have helped to form the local character and appearance of this part of Westhall Road and have given it its quite varied style.
- 3.2 What the appellants are proposing for this site would be entirely consistent with their immediate local surroundings and, critically, would be broadly consistent with both national and local planning policies.

4: CONCLUSIONS

- 4.1 In my opinion, the Appellant has demonstrated that by virtue of all the documentary evidence submitted as part of its original planning application to Tandridge District Council together with all the arguments set out in the Appellant's original Statement of Case and in this subsequent Rebuttal evidence following the Inspector's appeal site inspection, that the appeal ought to be granted and conditional planning permission granted for the redevelopment proposals.
- 4.2 Nothing contained within the Council's original refusal reasons, the Planning Case Officer's report recommendation, or their subsequent appeal evidence substantiates the grounds for refusal and justifies dismissal of this appeal.
- 4.3 The Inspector is therefore respectfully urged to allow this appeal and to grant conditional planning permission largely in accordance with the conditions suggested in the Council's Appendix 3 evidence, save for the minor amendments suggested by me to draft Conditions 2 and 4, as referred to by me in paragraph 2.10 to this Statement.

APPENDIX A

Photographs of the Site & its Immediate Surroundings & the Photo Locations Plan 100-02