

Application: 2024/67

Location: 179 Chaldon Road, Caterham, Surrey, CR3 5PL

Proposal: Alterations to and conversion of garage to form habitable room to be used ancillary to existing dwelling.

Ward: Queens Park

Constraints – Ancient Woodland within 500m, Biggin Hill Safeguarding, Source Protection Zone, Urban area

RECOMMENDATION:

GRANT subject to conditions

1. The application is presented to the Planning Committee at the request of Cllr Groves on the grounds that the impact on parking provision and the amenities of neighbours requires assessment.

Summary

2. Planning permission is sought to amend the existing building at the site through the replacement of garage doors with walls and windows and the insertion of one additional window. The building would be used for purposes that are associated with the occupation of the dwelling at the site.
3. The proposed development is considered to accord with the relevant planning policies in relation to character and appearance, residential amenity and highway safety and parking provision. Consequently, it is considered that the proposal would accord with the requirements of the National Planning Policy Framework (NPPF) and with the policies contained in the Development Plan. Accordingly, it is recommended that planning permission is granted subject to conditions as outlined.

Site Description

4. The site hosts a detached bungalow (which has accommodation in the roof) which is located to the south east side of Chaldon Road within an urban area. There is a triple garage to the rear of the site which is accessed from Heath Road. A fence exists within the application site that separates the garage and the land around it from the remainder of the site. However, the lawful use of the plot is considered to remain residential with a single dwelling being at the site.

Relevant History and Key Issues

5. The relevant planning history for the site is as follows:

95/773 – Replacement/retention of fence and gates along Heath Road boundary. Approved

2023/147 - Conversion of existing garage to habitable accommodation and installation of new dummy upstand roof. Refused for the following reasons:

1. The formation of the proposed annexe, given its internal layout, external appearance and relationship to the host dwelling would lead to the creation of a separate self-contained dwelling and would result in the unacceptable intensification of the use of the site. As such, the proposal would not comply with Policy CSP18 of the Core Strategy

DPD 2008, Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and the NPPF (2021).

2. The proposal would fail to provide sufficient space to serve as parking facilities for future occupiers in an area with limited on-street capacity, contrary to the objectives of the NPPF (2019), Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and the Council's adopted Parking Standards SPD (2012).
6. The key issues for this application are:
 - the principle of development
 - the acceptability in terms of character and appearance,
 - the impact on neighbouring amenity
 - the impact on parking provision and highway safety

Proposal

7. Planning permission is sought for alterations to and conversion of garage to form habitable room to be used ancillary to existing dwelling. This would involve the replacement of garage doors with walls and windows and the insertion of one additional window.

Development Plan Policy

8. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12 and CSP18
9. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5 and DP7.
10. Woldingham Neighbourhood Plan 2016 – Not applicable
11. Limpsfield Neighbourhood Plan 2019 – Not applicable
12. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – CCW4 and CCW5

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

13. Tandridge Parking Standards SPD (2012)
14. Tandridge Trees and Soft Landscaping SPD (2017)
15. Surrey Design Guide (2002)

National Advice

16. National Planning Policy Framework (NPPF) (2023)
17. National Planning Practice Guidance (NPPG)
18. National Design Guide (2019)

Statutory Consultation Responses

19. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.
20. Caterham on the Hill Parish Council – *“The existing garage/workshop is relatively large, not much smaller in footprint than the host dwelling, a small bungalow. The Parish Council understands the applicant’s desire for extra family space, but the previous application (2023/137) was refused because it would have created a separate self-contained dwelling.*

We note that the internal layout now contains a home office and recreation room but repeat our previous request. If granted, please apply a condition restricting use of the converted building to domestic purposes ancillary to the host property and its residents and not for permanent occupation by others or renting out.”

Third Party Comments

21. Comments received raising concerns about the impact on parking provision and the blocking of the adjacent access track. It is also a concern that the site has been divided with fencing erected within the site, implying that a sub-division might have occurred. Furthermore, comments have been received stating that the building is currently used for motor vehicle business purposes, thereby causing:

- noise pollution,
- uncontrolled waste,
- monopolisation of highway parking,
- the presence of ‘Sworn Off Road’ Vehicles in the public highway,
- the keeping of customers vehicles in the highway,
- restriction of access to surrounding roads
- unauthorised use of the adjacent church car park.

Assessment

Status of Local Plan

22. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
23. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of Policies

remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Principle of the use of the resultant building:

24. The site lies within an urban area where the principle of developments associated with existing dwellings is considered to be acceptable.
25. The previous application at the site would have involved the conversion of the building to an annexe. It was deemed that this would have been tantamount to the creation of a new dwelling at the site. The development now proposed shows the building to be converted to a recreation room, a home office and a gym with a shower room and an unspecified lobby area. The application should be considered solely on that basis.
26. The building is existing and there is no reason to assume that the buildings would not be used as described. Whilst the previous reason for refusal and the content of the officer report is noted, the Local Planning Authority can only determine the application based on the plans before it. It is reasonable to conclude that all of the proposed features of the building would continue to serve the occupiers of the existing dwelling and be used in a way that would be ancillary to the use of the dwelling.
27. From this basis, having full regard to the previous objections of the local planning authority and the objections of interested parties, it is not considered that it would be reasonable to refuse the application for the same reason as before.
28. The request of the Parish Council is noted but, if the building was to be used for a purpose than is not ancillary or incidental to the host dwelling, this would constitute a material change of use that would require planning permission. As demonstrated in recent appeal decision APP/M3645/W/23/3329843 in relation to application 2023/371, where planning permission is required for a change of use, it is unnecessary to use a condition to duplicate that requirement. Moreover, it would not be reasonable to prevent the building being used for purposes that are ancillary or incidental to the existing dwelling as the building could be put to any use falling within the definition of those terms without requiring planning permission.
29. Comments of interested parties identify that the building has been used for the keeping and repair of cars and also that a fence has been erected within the site. In this regard, the current use of the building could be investigated by the Council's Planning Enforcement Team but, as the lawful use is considered to be for purposes associated with the dwelling and this would remain the case, it is considered that the alleged use of the building is not determinative in respect of the assessment of this application. If the current use of the building is deemed to represent an unauthorised use, this proposal would re-instate what is considered to be the lawful situation and address the alleged breach.

Character and Appearance

30. Policy CSP18 of the Tandridge District Core Strategy 2008 states, amongst other things, that new development must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

31. Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 states, amongst other things, that all new development will be expected to be of a high-quality design integrating effectively with its surroundings while reinforcing local distinctiveness and landscape character.
32. Policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that, development is expected to preserve and enhance the character area in which it is located (as shown in Figure 5.1). Moreover, Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that, development proposals, which integrate well with their surroundings, meet the needs of residents and minimise the impact on the local environment will be supported where they demonstrate a high quality of design.
33. The existing building has an appearance that reflects its function. It is visible from the surrounding public domain and from neighbouring properties and, from where it is seen, it makes a neutral contribution to the character and appearance of the area.
34. The proposal would involve minor external alterations to the building including the provision of windows and the infilling of parts of the existing garage door openings. These works are minor in nature and would have a minimal impact on the character and appearance of the area.
35. Overall, it is considered that the visual implications of the resultant building would not be materially different to those of the existing building and, therefore, it cannot be concluded that the development would be contrary to the policies of the Development Plan that are set out above.

Amenity

36. Policy CSP18 states, amongst other things, that development must not significantly harm the amenities of the occupiers of neighbouring properties due to overlooking, overshadowing, visual intrusion, noise, traffic or any other adverse effects. This is carried forward in Policy DP7 of the Tandridge Local Plan.
37. The building would be the same size and form as the existing building. The provision of additional windows would not cause additional overlooking and the resultant building would have no additional impacts on light or outlook within neighbouring properties.
38. Whilst the building would be used in a different way, there is no reason to conclude that the proposed use of the building, for the purposes stated on the submitted plans, would have a materially different impact in terms of noise, activity or disturbance than that which could arise from the use of the existing building.
39. It is therefore considered that the proposal satisfies the amenity provisions of Policies CSP18 of the Tandridge District Core Strategy 2008 and DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014.

Parking Provision and Highway Safety

40. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
41. It was previously identified that the loss of parking and the consequential provision of just one parking space was unacceptable in the context of the two-bedroom dwelling, the proposed annexe accommodation and the pressure on on-street parking provision that was identified within the local area.
42. In this case, whilst a car could sit forward of the building, no parking is shown to be retained at the site on the submitted plans and as such the proposal would not accord with the Council's parking standards and, by extension, the relevant elements of the abovementioned policies. However, no additional parking demand would be created due to the fact that the building would be used for ancillary or incidental purposes but not involve the creation of any bedrooms. The considerations are therefore materially different to before.
43. There is no evidence that the existing garages are required to be retained and used for parking under the terms of any planning condition and, as such, the use of the garage for the purposes of parking a car could cease immediately without requiring planning permission.
44. Whilst the previous reservations of the Local Planning Authority are noted, given that there would be no uplift in parking demand arising from this proposal due to the use of the building indisputably remaining ancillary/incidental to the occupation of the host dwelling, it is considered that it would be unreasonable to object to this application on the grounds of any inadequacy in terms of parking provision that would result.
45. The comments of interested parties in relation to the use of the building for motor repair purposes is noted. However, that is not the proposal that is before the Local Planning Authority and it is respectfully suggested that the application should be determined on the basis that it has been submitted rather than if it were used in some alternative way. The removal of garage doors and their replacement with windows and walls would make it impossible for vehicles to enter the building and, as such, it would be likely to be the case that the proposal would reduce the likelihood that the building would be used for those purposes.
46. A number of the comments made relate to matters that fall outside the scope of the Local Planning Authority and could not be a reason to refuse this application to use the building at the site for purposes that are ancillary to the occupation of the dwelling at the site.
47. Overall, noting that the nature of the proposals are different to the previous application and it is, therefore, reasonable to reconsider the impacts of the proposal, it is considered that the conflict with the Tandridge Parking Standards SPD caused by the loss of parking and the associated conflict with elements of the development plan, would not cause harm that would be a sound reason to argue that the proposal would have a negative impact

upon highway safety or the amenity of nearby residents. As such, the proposal would comply with the overall aims of the abovementioned policies.

Other Matters

48. A number of the comments made in relation to the previous application relate to the adequacy of the building to be used for the stated purposes or converted as proposed. This is a matter that would fall outside the scope of the consideration of a planning application. Similarly, whilst comments made in relation to the impact on the use of the access track adjacent to the building are noted, it is considered that these would relate to a civil matter that would fall outside the remit of the Local Planning Authority.
49. The internal division within the site through the erection of fencing could have reasonably occurred under the terms of permitted development rights as set out in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The erection of a fence does not, in itself, constitute a change of use or indicate that the use of the site would be sub-divided. As such, this aspect of the site is not considered to be determinative.

Conclusion

50. The proposed development would be acceptable in principle, would be visually acceptable and would not cause material harm to the amenities of neighbouring residents or highway safety within the vicinity of the site. The proposal therefore accords with the Policies of the Development Plan and the NPPF.
51. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to Policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
52. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: GRANT subject to the following conditions

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out strictly in accordance with the details shown on drawing nos: 4564 (Block Plan) and 4564/OS (Received 01/02/2024 and 4564 (Floor Plans and Elevations) (Received 23/01/2024).

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives:

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990, and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The development has been assessed against Tandridge District Core Strategy 2008 policies CSP1, CSP12 and CSP18, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5 and DP7, policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and all material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the Development Plan and there are no other material considerations to justify a refusal of permission.
3. The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (December 2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.