

**Application:** 2024/961  
**Location:** 261 Croydon Road, Caterham, Surrey, CR3 6PG  
**Proposal:** Erection of an ancillary outbuilding (retrospective)  
**Ward:** Valley

**Decision Level: Planning Committee**

*Constraints – Urban Area, Ancient Woodland(s) within 500m, Biggin Hill Safeguarding, Gas Medium Pressure Pipeline within 12.5m, Railway Line within 30m, B, D, X Road Class, Risk of Surface Water Flooding 1:1000, Source Protection Zones 2 and 3*

**RECOMMENDATION:** **APPROVE, subject to conditions**

1. This application is reported to Committee following a Member request by Councillor Jones for the following reason:
  - Concerns due to the potential impact on residential amenity on the surrounding residents.

**Summary**

2. The application seeks retrospective permission for the erection of a garden outbuilding to provide ancillary accommodation for the main dwelling at no. 261 Croydon Road Caterham. The site is located in the built-up area boundary of Caterham, where development is acceptable in principle. The garden outbuilding provides office and storage accommodation ancillary to the supported living dwellinghouse and would not have any detrimental impact on the character and appearance of the area or impact on neighbour amenity.
3. As such, the development is found to be acceptable in accordance with Policies CSP1, CSP18 of the Tandridge District Core Strategy 2008, Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan. The application is therefore recommended for approval by Officers.

**Site Description**

4. The site comprises of a two-storey semi-detached four-bedroom residential dwelling, located to the west side of Croydon Road.
5. The applicant has confirmed that:

The host dwelling at 261 Croydon Road is used as a supported living property. This falls under use class C3(b). Use Class C3 of the Use Classes Order 1987 (as amended) defines this specific category as:

*Use as a dwellinghouse (whether or not as a sole or main residence) by—(b) not more than six residents living together as a single household where care is provided for residents.*

6. It has been indicated that the property is currently occupied by three persons living as a single household. All occupants are confirmed to be self-dependant but do however require

support and are monitored throughout a 24-hour period by staff on a shift pattern. Staff do not live at the property, however.

7. The rear garden of the property falls away from the rear face of the dwelling toward the adjacent railway boundary and the outbuilding the subject of this application is located within this rear garden area. The outbuilding has two parts to it. One part is used for storage and the second part is for recreational purposes to be used only by the residents. It is also used as private space to discuss confidential matters with carers / social workers when needed.

### **Relevant History and Key Issues**

8. There is no relevant planning history for this site.

9. Key issues relate to the impact on the amenities of neighbour properties and character and appearance. Reference has been drawn to whether the current usage of the host dwelling is considered lawful, thus potentially impacting the validity of the proposal.

### **Proposal**

10. This application seeks retrospective permission for the erection of an ancillary outbuilding, in the rear private amenity space, which provides office and storage space.

### **Development Plan Policy**

11. Tandridge District Core Strategy 2008 – Policies CSP1 and CSP18

12. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1 and DP7

13. Caterham, Chaldon & Whyteleafe Neighbourhood Plan – Policy CCW4.

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

14. Surrey Design Guide (2002)

### **National Advice**

15. National Planning Policy Framework (NPPF) (December 2023)

16. Planning Practice Guidance (PPG)

### **Consultation Responses**

17. 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.

18. Caterham Valley Parish Council: – Objection.

- Another retrospective application which should be seen in the context of the change of use of the host property that has been completed by the current owners, without the appropriate planning permission.
- The host dwelling has been converted from a residential property into a residential care / assisted living facility without any planning permission for the change of use. This

change has had a significant impact on the amenity and enjoyment of the surrounding residential properties as a result of the scale of the care operation in place.

- The addition of the “garden room” is to further expand the facility and to maximise its capacity. The use of an external office will enable the conversion of an additional room in the host property to residential accommodation.
- This increase in residential accommodation does not consider the requirements for parking, nor does it account for residential parking associated with those working at the property. This area of road has parking stress in excess of 100% and any increase in activity at this property should have appropriate parking as it impacts the amenity of the neighbouring properties.
- CVPC request application be refused.

#### 19. Officer Notes:

- An allegation of a potential breach of planning control ref ENF/2023/269, resulted in the applicant being invited to seek retrospective planning permission for the existing outbuilding. No other planning history is found for the site.
- No planning permission is required to move from a use within one Use Class, to another use within the same Use Class. To confirm lawful use of the host dwelling, the applicant would be advised to seek a Certificate of Lawfulness for an Existing Use or Development. Any effect on neighbour amenity and enjoyment resulting from the present occupancy of a dwelling under Use Class C3(b) could arguably be the same or possibly worse, under a C3 dwelling.
- The building in the garden is internally subdivided to provide an office/break out room and storage facility.
- As there is no change of use, there is no requirement to provide additional parking; however, at the time of Officer visit, parking opportunity was available in the surrounding area. The parking space to the front of the property is used by the applicant when visiting, however this is easily and regularly obstructed by other local road users.

### **Public Representations/Comments**

20. Third Party Comments – None received.

### **Assessment**

#### Principle of Development

#### Procedural note

21. The Tandridge District Core Strategy 2008 and Tandridge Local Plan Part 2 Detailed Policies 2014 predate the NPPF as published in December 2023. However, paragraph 225 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance with the degree of consistency with the current Framework.

#### Sustainability

22. Caterham is an Urban Area where development is encouraged to take place in order to promote sustainable patterns of travel, make the best use of previously developed land, where there is a choice of mode of transport available and where the distance to travel to services is minimised. The location of the application site would result in the principle of development

being acceptable and, as such, it would comply with both the Core Strategy Policy CSP1 and DP1 of the Tandridge Local Plan in this regard.

### Character and Appearance

23. Policy CCW4 states that development is expected to preserve and enhance the character area in which it is located. Development proposals in the define character areas will be supported which exhibit design reflecting local context, character and vernacular, enhance the quality of the built form through innovation and design, make a positive contribution to the character of the area when viewed from the main highway approaches, do not have a significantly detrimental impact on local views and contribute to the conservation and enhancement of designated and non-designated heritage assets and respect their significance and context.

24. The outbuilding has been set back from the rear elevation by approximately 10.5m and has an approximate eaves height of 2.6m at the highest adjacent ground level. NB The adjacent ground level both falls significantly away from the host dwelling and has been locally taken down to allow for garden planting. It should be noted that the overall height is marginally over street scene level, therefore has little visual impact thereon. Separation distances to the southwest and northeast boundaries are approximately 0.35m and 2.34m respectively. Toward the northwest boundary is an existing garden building and railway beyond.

25. The outbuilding has been finished in render with flat roof. Fenestration includes 1no. window to both northwest and southwest elevations, with 1no. door to southeast elevation. The overall dimensions of the outbuilding are approximately 5.1m deep by 4.1m wide. By being sited away from the host dwelling and within a sloping rear private amenity space, the eaves height would not exceed that of the existing dwelling. The scale and massing are subservient to the host dwelling, utilising materials that are sympathetic to the existing dwelling. It is further noted that similar rear garden development can be seen in the neighbouring property at no. 263 but of a greater overall size for which planning history cannot be found. The outbuilding has been finished to a high standard and by design is sustainable retaining separation to all boundaries.

26. As a result of the scale, siting, massing and materials chosen, the outbuilding does not look out of keeping with the host dwelling or the character of the wider area. By being ostensibly below the level of the street scene, and by being sited at the rear of the host dwelling, although partially viewable, has no impact thereon.

27. Overall and on balance and for the above reasons, it is considered that the existing development is acceptable in terms of character and appearance and therefore complies with the provisions of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies, Policy CSP18 of the Core Strategy and Policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan.

### Neighbour Amenity

28. Policy CSP18 states that new development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.

29. Policy DP7 states that proposals should not significantly harm the amenity of neighbouring properties by reason of pollution - noise, air or light, traffic, or other general disturbance. Policy DP7 also states that proposals should not significantly harm the amenities and privacy of occupiers of neighbouring properties, including private amenity space, by reason of overlooking or its overshadowing or overbearing effect.

30. It should be noted that no neighbour representations in objection, have been received.

31. Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 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.

32. The outbuilding is sited centrally within the rear plot maintaining a minimum separation distance of approximately 0.35m to the nearest boundary, to the southwest. Accepting the outbuilding is by way of siting, more visually intrusive from neighbouring properties, it does not intersect any sight/light line from rear habitable windows of the neighbouring dwellings at nos. 259 and 263. The development has an eaves height 0.1m higher than would be permissible under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended); however, on balance and being ostensibly lower than the neighbouring dwellings, there is no significant new harm by way of overbearing impact or overshadowing. The proposed new fenestration and external openings would offer some new viewpoints but do not give rise to any significant harm by way of overlooking. Notwithstanding, it is considered appropriate to impose a condition to ensure that this structure is used only for purposes ancillary to the dwelling but not as primary habitable accommodation in the interests of neighbour amenity.

33. Materials chosen would not look incongruous or out of keeping with the character of the area, and as such would not give rise to significant harm toward the sense of place.

34. For the above reasons, the proposal is seen to accord with Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

#### Equality and Diversity

35. The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equality Act 2010 and those who do not.

#### Conclusion

36. Overall and on balance, the proposal results in no significant harm by way of impact upon the character of the street scene and failure to respect and contribute to the distinctiveness of the wider area, therefore there is no reason not to support this application. The proposal is therefore recommended for approval.

37. 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 paragraph 213 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

#### Other Issues

38. The dwelling is limited to 1no. off street parking space, however there is no evidence to suggest the residents have the need for this allocation to be increased. Being a Class C3(b) and therefore in the same use class as C3, there has been no change of use of the property and therefore should be viewed in the same manner as all neighbouring dwellings in the immediate street scene, where parking restrictions have been imposed by the Highways

Authority. At the time of the officer site visit, parking opportunities were seen to be available in the wider area.

39. The application is not CIL liable.

40. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION:**

**APPROVE, subject to conditions**

Conditions:

1. This decision refers to drawings numbered 654-00 rev P - Existing Site Location & Block Plan, 654-01 rev A – Existing Plan & Elevations, and red-edged site Location Plan received on 4<sup>th</sup> September 2024. The development shall accord with the drawings listed. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme does not deviate from that set out in the planning application and therefore remains in accordance with the Development Plan.

4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 261 Croydon Road, Caterham, Surrey, CR3 6PG and shall not be used to provide habitable accommodation.

Reason: In the interests of neighbouring residential amenity and to ensure that the accommodation remains at all times ancillary to the main use of the property and ensure a satisfactory form of development in accordance 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 1 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 1 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, CSP14 and CSP18 Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1 and DP7, Caterham, Chaldon & Whyteleafe Neighbourhood Plan – Policy CCW4 and CCW5, and material considerations. It has been concluded that the development, subject to the conditions imposed, accords 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.