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# Appeal Decision

Hearing held on 23 October 2012

Site visit made on 24 October 2012

**by David Prentis BA BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 November 2012**

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**Appeal Ref: APP/M3645/A/12/2179391**

**Former Marie Curie Hospice, Harestone Drive, Caterham, Surrey CR3 6HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Independence Homes against the decision of Tandridge District Council.
  - The application Ref TA/2011/1316, dated 30 September 2011, was refused by notice dated 12 March 2012.
  - The development proposed is described as: *Erection of 25 bedroom apartment building (15 x 2 bed and 10 x 1 bed apartments), 20 bed care home, 3 terraced houses (2 x 3 bedroom houses with garages and 1 x 2 bedroom house), a pair of semi-detached houses (2 x 5 bedrooms) and a two storey office building with office accommodation in the roof space, with parking, pedestrian/vehicular access road, bike and bin stores.*
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## Decision

1. The appeal is dismissed.

## Application for costs

2. At the hearing an application for costs was made by Independence Homes against Tandridge District Council. This application is the subject of a separate decision.

## Preliminary matters

3. At the hearing the Council and the appellant agreed to the use of the description of development set out above, which is taken from the Council's decision notice. This differs from the original application which referred to an assisted living village. The appellant explained that Independence Homes provides accommodation for people with epilepsy and the scheme is intended to be used for that purpose. However, the design and layout of the proposed houses and flats would not need to be any different to general market housing. It was not proposed that the residential component of the scheme would be subject to any occupancy restrictions so it could be occupied by anyone. The Council's assessment of the scheme had been made on this basis and I shall approach the appeal decision in the same way.
4. Although the above description refers to a 25 bedroom apartment building it is clear from the plans that the proposed apartment building would contain 25 apartments.

## Main issue

5. The main issue is the effect of the proposals on the character and appearance of the area.

## Reasons

### Context

6. The site is within Harestone Valley, a predominantly residential area which was first developed in the 19<sup>th</sup> century. The area has a dramatic landform with a steep sided valley running approximately north/south. There is extensive tree cover throughout the area which combines with the topography to create a distinctive local character. The appeal site comprises Harestone House and its grounds. The house was built in 1879 for W G Soper, a wealthy businessman and local benefactor. Although not listed, the house has been identified by the Council as a Building of Character. It is currently vacant having last been used as a hospice. To the south west of the house there is an extensive lawn bounded by trees and dense vegetation.
7. The eastern part of the site is separated from the lawn by a steep bank. It contains various buildings previously associated with the hospice use. Harestone Drive is a curving tree-lined drive which leads off Harestone Valley Road to serve the appeal site and a number of detached houses and bungalows. The site as a whole contains a wide range of trees and makes an important contribution to the sylvan character of Harestone Valley. It is covered by two Tree Preservation Orders (TPOs), an Area Order dating from 1958 and an Order dating from 2009 which identifies specific trees and groups.
8. The development plan includes the Tandridge District Core Strategy 2008 (CS) and the saved policies of the Tandridge District Local Plan 2001 (LP). CS Policy CSP 18 requires all development to be of a high standard of design which respects the character, setting and local context of the site. The policy goes on to state that the Council will protect the wooded hillsides in the built-up areas by ensuring that new development does not adversely affect the character of such areas and that there is no overall loss of tree cover. LP Policies BE1 and BE4 have similar objectives.
9. The Council has also adopted three Supplementary Planning Documents (SPDs) relating to the site and its surroundings. The *Harestone Valley Character Assessment* 2011 (HVCA) seeks to identify what makes Harestone distinctive. The site lies within Area D which covers the valley floor and lower eastern slopes of the valley. The HVCA notes that, in this area, the wooded backdrop on the eastern and western valley sides is an important part of the character. I agree with that assessment. The *Harestone Valley Design Guidance* 2011 (HVDG) sets out a number of design principles. Principles V 1 and V 2 state that development should be composed in relation to views across or within the valley so that its landscape character is not harmed and that existing tree cover and vegetation must be retained to protect the wooded character of the valley. Principles GS 1 and GS 3 stress the importance of the green setting of the area and the need to retain tree cover.
10. The *Site of the former Marie Curie Hospice – Urban Design Concept Statement* 2010 (UDCS) seeks to present an understanding of the site context and sets out some options for the future development of the site. The preferred option would entail the retention and conversion of Harestone House. Alternatively, if

that is not possible, the UDCS indicates that the house could be replaced by a similarly striking building which should be of sympathetic design and similar height and scale. All three SPDs are of direct relevance to the appeal and I regard them as important material considerations.

*Effect of the proposed development*

11. The Council and local residents expressed concern about the scale and mass of the proposed apartment building which would have accommodation on 4 levels, the top floor being contained within the roof structure. The appellant argued that the overall height of the proposed building would be lower than that of Harestone House. Whilst I note that point, the existing building is not of uniform height. It is a complex structure with variations in floor levels and ridge heights. The footprint of the proposed building would be around 12% greater than the existing. A local resident has calculated that the volume of the proposed building would be over 50% greater, a figure that was not disputed by the appellant at the hearing. Whatever the precise figure, it is clear from the plans that the volume of the proposed building would be significantly greater than that of the existing. This increase would be particularly apparent at roof level where the long horizontal line of the roof would accentuate the bulk of the building. Although variations in the plan form would, to some extent, help to articulate the mass of the building when seen close to this mitigating effect would be less apparent in longer views.
12. The appellant argued that the site is not widely visible. However, I consider that this assessment understates the visual impact that the proposed building would have. First, the scale of the building would dominate its immediate surroundings in Harestone Drive. The upper parts of the building would also be seen from Harestone Valley Road, between the existing detached properties. There is an elevated public space at Church Hill which is identified in the HVDG as providing a key view across the Harestone Valley. At the time of my visit, the view of the appeal site was partially filtered by vegetation and it seems unlikely that this view would be available in the summer months. Nevertheless, the proposed building would be readily apparent in winter views.
13. In addition to these public viewpoints, it is necessary to take account of the many private vantage points from which the building would be seen. The proposed apartment building would be sited on the east side of the valley, at a level around 7m above Harestone Valley Road. Due to its height, the upper parts of the building would be seen not only from several properties backing onto the site but also from a much greater number of dwellings on the valley sides.
14. My overall assessment is that the proposed apartment building would not be of similar scale to the building it would replace. It would appear as an excessively bulky structure which would rise above its immediate surroundings bringing about a harmful change in the character and appearance of the appeal site and the Harestone Valley. A further point to consider, in respect of the apartment building, is that extensive areas of parking would be required to the north east and north west of the building. The scale of these parking areas would erode the garden setting of the building.
15. The open lawn to the south west of Harestone House provides a setting for the existing imposing building and could also provide an appropriate setting for any replacement building. The proposed semi-detached houses would, in part,

occupy the site of an existing building. However, the house and curtilage of the western plot would intrude into the open lawn, eroding the contribution that this important space makes to the overall character of the site.

16. The proposed office and care home would be located in the eastern part of the site where there are already some buildings. Nevertheless, the footprint of the proposed buildings would be significantly greater than those they would replace. Although the care home would be no higher than an existing building in this part of the site it would have a deeper plan form and a more bulky roof. The office building would also be significantly greater in volume than the low key single storey structure that it would replace. The area between the office and care home would be dominated by car parking. The combined effect would be to create an essentially urban feel in this part of the site, at odds with the prevailing character which is that of buildings informally arranged within a garden setting.

#### *Effect on trees*

17. The appellant stated that the proposals would result in the removal of 33 trees. These would include some fruit trees and other smaller specimens of limited amenity value. Nevertheless, some significant trees would be removed. T17<sup>1</sup> (Beech) is a fine mature specimen some 22m in height which is prominent in views within and across the valley. Its loss would have a significantly harmful impact. A Yew forming part of G16 would also be removed. This would reduce the substantial boundary planting which provides the landscape setting within which the existing building is contained. Although T18 (Birch) and G11/G12 (Lawson's Cypress) do not have the same high level of amenity value as the above mentioned specimens, they nevertheless make a useful contribution to the sylvan character of the site. Overall, the proposals would result in a significant and harmful loss of tree cover.
18. The appellant argued that any impact on tree cover would be adequately mitigated by the planting of 35 new trees. However, the approach of making a straight comparison between the numbers of trees to be removed and planted is too simplistic. Having looked in more detail at the effect of the scheme on trees I disagree with the appellant's conclusion for two reasons.
19. First, I consider that the appellant's assessment understates the likely impact of the appeal scheme. I am concerned about the proposed construction of car parking bays within the root protection area of T36 (Beech)<sup>2</sup>. This is a fine specimen of similar stature and amenity value to T17. The appellant suggested that any harmful impact on the tree could be avoided by a condition requiring a construction method statement to be approved by the Council. I understand that there are commonly used techniques available to manage impacts of this sort. However, in this case the tree is mature and is a shallow rooted species, factors which are likely to reduce its tolerance to change. Moreover, the parking layout would impact on a significant proportion of its root protection area. On the evidence before me, I consider that the parking layout would pose an unacceptable risk to the long term health of a tree which is of high amenity value. The scheme would also require some trees to be cut back to accommodate development. The apartment building would encroach into the

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<sup>1</sup> In this decision I have used the reference numbers from the Arboricultural Survey submitted with the application. These differ from the numbers used in the Tree Preservation Order of 2009. T17 in the Survey is T18 in the 2009 Order.

<sup>2</sup> T36 in the Survey is T10 in the 2009 Order.

crown spread of Yews within G16 and the construction of parking bays would require a substantial crown reduction within G4 (Western Red Cedar).

20. Second, the appellant has not brought forward any convincing proposals for mitigation. Plan E11-001-TP01 shows the planting of trees, mainly Laurel and Hornbeam, along the boundaries in the eastern part of the site. This layout was designed to screen the development from adjoining houses. It would not provide adequate mitigation for the impacts described above. In any event, at the hearing the appellant placed little reliance on this plan. It was suggested that the plan was merely a starting point for discussions and that there is significant scope for replacement planting. That assertion was not supported by any evidence such as alternative plans or indicative proposals. Moreover, it is not obvious from the submitted layout where such planting might take place. In these circumstances it would not be appropriate to rely on a landscaping condition to secure replacement planting. The absence of convincing mitigation proposals is a factor which weighs against the appeal scheme. Given the importance of tree cover to the character and appearance of the area, and mindful of CS Policy CSP 18 and the design principles in the HVDG, it is a factor to which I attach substantial weight.

#### *Conclusion on the main issue*

21. I conclude that the proposals would result in significant harm to the character and appearance of the area. This would be contrary to CS Policy CSP 18 and to LP Policies BE1 and BE4. The scheme would fail to accord with the design principles set out in the HVDG.

#### *Other matters*

22. Local residents are concerned about the impact of the proposals on their living conditions. In particular, residents of Loxford Way object to the scale and orientation of the proposed care home. I appreciate that the east/west orientation of the care home would result in a significant change in the views to the rear of adjoining properties in Loxford Way. Nevertheless, the care home would be no higher than the existing building in this part of the site. The appellant stated that it would be 31m from the closest residential property, a figure that was not disputed at the hearing. In most cases the separation distances would be greater. These distances significantly exceed the requirements of LP Policy BE1(4) and are sufficient to ensure that the proposals would not be unduly overbearing, nor would they result in harmful overshadowing or loss of privacy. I note that the proposed terrace of houses would be around 16.8m from No 11 Harestone Drive at its closest point. The windows in question would be at an angle, rather than being directly aligned. They would face each other across an access drive which serves a number of properties and which is not therefore a private space. Consequently I do not consider that the terrace would result in material harm to the living conditions of the occupiers of No 11.
23. Harestone House is a non-designated heritage asset. The Heritage Statement submitted with the application concludes that it has a limited degree of architectural interest and that, due to its association with W G Soper, it has a moderate degree of historic interest. I agree with that assessment. I appreciate that the building has been assessed by English Heritage and found not to be worthy of listing. It is not protected and could therefore be demolished at any time. Nevertheless, the current position is that

- implementation of the appeal scheme would result in the loss of the heritage asset and the significance that it possesses. Whilst I do not consider this to be a determining issue, it is a further factor weighing against the appeal.
24. The Council and the appellant agreed that the scheme would result in a residential density of 48 dwellings per hectare, thereby complying with the density requirements of the CS and the UDCS. The Marie Curie Neighbours Group (MCNG) suggested a significantly higher figure. The difference arose because of differing assumptions about how much of the total site area should be attributed to the residential element of this mixed use scheme. I found this debate to be of little assistance in assessing the merits of the appeal scheme. On a site such as this, I consider that the way in which the design responds to the particular characteristics of the site and its surroundings carries far greater weight than the mathematical calculation of density.
  25. CS Policy CSP 4 requires a proportion of units within residential developments to be delivered as affordable housing. In this case the Council has considered evidence on viability which was submitted with the application and has concluded that it would not be appropriate to seek either an element of affordable housing within the scheme or a contribution to off-site provision. I see no reason to disagree with the Council's conclusion.
  26. Local residents objected to the inclusion of an office building within this predominantly residential area. Paragraph 24 of the National Planning Policy Framework requires a sequential test for proposals for main town centre uses that are not in town centres and not in accordance with the development plan. At the hearing neither the Council nor the MCNG identified any conflict with the development plan in relation to the office component of the scheme. There is already some office accommodation on the site and it seems unlikely that the relatively small amount of office floorspace proposed would harm the vitality or the viability of Caterham town centre. I conclude that this is not a factor which weighs against the appeal.
  27. Some local residents are concerned about highway safety. There would be no alteration to the existing junction between Harestone Drive and Harestone Valley Road. Although there are bends in Harestone Valley Road on either side of the junction I saw that there is sufficient visibility in both directions for drivers emerging from the appeal site to see oncoming traffic. Drivers would also be able to see pedestrians using the footway along Harestone Valley Road. There is no evidence to suggest that the local highway network could not accommodate the traffic generated by the appeal scheme.
  28. The Caterham Valley Medical Practice objects to the scheme on the basis that primary health care resources in the locality would be overstretched. However, there is limited information before me regarding the overall level of demand for primary health care in relation to the available resources. It has not been shown that the impact on primary health care would be so significant that permission should be withheld on these grounds.
  29. The proposals would have the benefits of providing housing and employment at the site. Whilst these are important factors, I do not consider that the benefits of the scheme would be sufficient to outweigh the harm to the character and appearance of the area that I have identified. The loss of the heritage asset adds further to the case against the appeal.

*Overall conclusion*

30. For the reasons given above, the appeal should be dismissed.

*David Prentis*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Robert Hughes	MTCP MRTPI	Hughes Planning
Simon Birch		CBP Architects
Phil Rech	BA(Hons) BPhil MLI	FPCR Environment and Design
John Macleod		Independence Homes

### FOR THE LOCAL PLANNING AUTHORITY:

Chris Hall	BSc MPhil MRTPI	Appeals Officer, Tandridge District Council
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### INTERESTED PERSONS:

#### *Elected Members*

Sally Marks	Surrey County Council
Beverley Connolly	Tandridge District Council
Michael Cooper	Tandridge District Council
Jackie Servant	Caterham Valley Parish Council

#### *Representing the Marie Curie*

#### *Neighbours Group*

Sarah Price	Quod Planning Consultancy
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#### *Local residents*

Andrew Soltau  
Heather Read  
Paul Craven  
Raj Munde  
Stephen James  
Luke Smith

## **DOCUMENTS**

- 1 Extract from the Tandridge District Local Plan
- 2 Extracts from the Tandridge District Core Strategy