

Appeal Decision

Site visit made on 8 September 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/L3625/W/16/3150758

5 Colman Close, Epsom Downs, Surrey KT18 5UT

- 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 Sphere Homes Ltd against the decision of Reigate & Banstead Borough Council.
 - The application ref: 16/00411/F, dated 19 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is demolition of the existing detached linked house and erection of three detached houses within the existing site at 5 Colman Close.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's refusal relates to the scheme as revised during the application process, as does this appeal decision.

Reasons

3. The **first main issue** in this appeal is the effect of the proposal on the character and appearance of the surrounding area, including whether or not it would amount to an overdevelopment of the site. The **second main issue** is the adequacy of the living environment for occupiers of the house on plot 1, primarily in terms of noise and disturbance.

Character and appearance

4. Colman Close is a short cul-de-sac, in a predominantly residential area classified in the Council's Local Distinctiveness Design Guide¹ as '1930s-1950s Suburbia'. The road currently serves eight properties which appear to have originally been of similar design, set out in a regular, symmetrical and spacious pattern enhanced by grass verges and some small but established trees alongside the narrow carriageway and around the turning head. One detached and one pair of houses (linked by their garages) sit on each side of the road. The existing dwelling at no. 5 is one of a third linked pair across the end of the cul-de-sac, albeit the dwellings are at slightly differing levels. These design and layout features are all important elements of the overall spacious,

¹ Dated 2004 and adopted as Supplementary Planning Guidance

harmonious and distinctive character of the cul-de-sac, even though some properties including no. 5 have been altered and extended.

5. In replacing no. 5 with a fully detached building, set further back into the site, the appeal scheme would break the existing link between nos. 4 and 5, thereby disrupting the established symmetry of development in the cul-de-sac. Due to their siting and informal layout relatively close to other dwellings, the three proposed houses would fail to integrate satisfactorily with the existing development pattern. Their proportions and particularly their relatively narrow frontages would add to the resultant inharmonious effect, even though their design would incorporate features similar to those of the existing dwellings. It is primarily for these reasons, rather than any sense of the frontages being dominated by parking, that I find the appeal scheme would cause significant harm to the character and appearance of its surroundings.
6. Another approach to making more efficient use of residential land is to create an identifiably separate group with its own distinctive character but, given the layout and proximity of existing buildings and the visual relationships that would be created in this case, the appeal scheme would not achieve that either. In this respect it would differ significantly from most of the examples of backland development in the wider locality (illustrated in the appellant's representations). The scheme would also differ from the residential intensification scheme carried out in nearby Sherborne Close², where the cul-de-sac was extended and the additional dwellings form a grouping around the additional turning head.
7. Insofar as this appeal scheme would result in a net increase of two family dwellings it would make more efficient use of the large and roughly triangular residential plot. However it would do so in a way that would detract from Colman Close's existing spacious, harmonious and distinctive character, to such an extent that it would appear as an overdevelopment of the site, seriously harmful to the character and appearance of its surroundings. The scheme would not therefore amount to good quality design, which is a key aspect of sustainable development³. It would conflict with CS⁴ Policies CS1 and CS4:2.b and with elements of saved LP⁵ Policies Ho9 and Ho13.

Living environment for future occupiers

8. Apart from a small curved area to the front, the dwelling on plot 1⁶ would be surrounded on three sides by hard-surfaced areas for the parking and manoeuvring of vehicles. The arrangement of its own parking spaces along one side of the house and those for the adjacent house (plot 2) on the opposite side is not unusual in residential estates, and nor is the use of shared private drives. In this case however all vehicle comings and goings to the plot 2 and 3 houses would be across the shared area very close to and directly in front of the plot 1 house. Moreover freedom of movement across this area would be limited to some extent by the constraints of the access from the cul-de-sac

² A cul-de-sac likely to have originally been of similar layout to Colman Close

³ As established by paragraph 56 of the *National Planning Policy Framework*

⁴ In full, the Reigate and Banstead Local Plan: Core Strategy (2014)

⁵ In full, the Reigate and Banstead Borough Local Plan 2005

⁶ As the plots are not numbered on the proposed layout plan (drawing no. 004 Revision 2) I have used the numbering in the appellant's statement of case (plot 1 nearest to the existing house at no. 4, plot 2 in the middle and plot 3 furthest from the cul-de-sac)

(shared with no. 4) and a relatively narrow pinch point adjacent to plot 1's frontage on the route to plots 2 and 3.

9. Even so, bearing in mind the scope to insulate the dwellings to a high standard I find it unlikely that the proposed layout and associated vehicle movements would result in harmful levels of noise for occupiers of any of the proposed houses. The particular site layout and its constraints could result in some inconvenience and/or disturbance if, for example, occupiers of two houses were arriving or departing at the same time. That is another indicator of an over-intensive development, such that the scheme would not represent high quality layout design, but again I find it unlikely that any disturbance would be so significant as to cause unacceptable harm to the occupiers' living conditions. I therefore find insufficient grounds to conclude the appeal scheme would fail to provide an adequate living environment or that it would conflict with development plan policies in this respect.

Other matters, the planning balance and overall conclusion

10. Local residents have raised a wide range of concerns on other matters, most notably highway and parking matters, living conditions at neighbouring properties, drainage and flooding. These have all been adequately addressed in the Council officers' report on the scheme, and the appellant has also made responses to them. I have found no sufficiently compelling grounds to differ from the Council and Highway Authority officers' findings on any of those matters, none of which are so significant as to justify rejecting the scheme.
11. The appeal scheme would result in a net increase of two family dwellings, and three dwellings in total built to modern energy and sustainable construction standards, thereby adding to the supply and choice of housing in the area and creating some modest economic and social benefits, all of which weighs in favour of the scheme. In addition the appeal site is in an accessible location where additional housing would be acceptable in principle, subject to compliance with other relevant development plan and national policy.
12. However, I have found that the scheme would not achieve high quality design and that it would cause significant harm to the character and appearance of its surroundings, such that it would conflict with the development plan in these important respects. Moreover it would also fail to satisfy elements of the social and environmental dimensions of sustainable development, such that overall it would not achieve sustainable development. These adverse impacts of the scheme would significantly outweigh its benefits and I find that to be the determining matter in this case. Overall therefore I conclude that the appeal should fail.
13. In these circumstances there is no need to consider whether or not an affordable housing contribution should be required in this case (in the light of submissions from the Council and appellant regarding the recent Court of Appeal judgment and subsequent changes to the *Planning Practice Guidance*) or whether the appellant's signed unilateral undertaking dated 25 February 2016 should be taken into account.

Jane Miles

INSPECTOR