

Appeal Decision

Site visit made on 21 September 2016

by Megan Thomas Barrister-at-Law

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

Decision date: 1 November 2016

Appeal Ref: APP/L3625/W/16/3152728

Land adjacent to 122 Brambletye Park Road, Redhill RH1 6EJ

- 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 Mesterhill Ltd against the decision of Reigate and Banstead Council.
 - The application Ref 16/00718/F, dated 24 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is "apartment block development over 3 levels plus loft containing 1 No. single bed flat and 6 No. two bed flats. External landscaping with 5 No. car parking spaces (including 2 No. for disabled use)"
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Application for Costs

1. An application for costs was made by Mesterhill Ltd against Reigate and Banstead Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are
 - the effect of the proposal on the character and appearance of the area
 - the effect on the living conditions of the occupants of 122 Brambletye Park Road with particular regard to outlook and privacy
 - the adequacy of off-street parking and effects on highway safety
 - whether an affordable housing contribution is appropriate

Reasons

Character and appearance

4. Brambletye Park Road sits within the large residential area to the south of Redhill town centre, adjacent to Earlswood. The site is located along the section of Brambletye Park Road that runs parallel with the railway line. Here the road contains a mix of residential buildings dating from about the turn of the century
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to more recent developments. Generally, the streetscape is made up of two storey detached and semi-detached dwellings. The houses are predominantly finished in brickwork and render under pitched tile roofs. Immediately to the north of the site is a 1960s five-storey block of flats, Bramley House, finished in brickwork and hung tiles under a tiled roof. To the east are some two-storey terraced houses built on raised ground and finished in render with tiled roofs. One of those is 122 Brambletye Park Road. There is a small access road between no.122 and the appeal site which gives access to the rear of no.122 and some allotments. Some front gardens/hardstandings in the area are used for off-street parking.

5. The front part of the appeal site is generally flat and level and has a hard-surfaced top because it houses an underground water storage tank, now disused. The back of the site rises steeply to the top of a cutting containing a railway line. There are a number of trees mostly at the rear or near the site boundaries.
6. The Council have Supplementary Planning Guidance entitled *Local Distinctiveness Design Guide* (2004) and the area in which the site is situated lies in the Victorian/Edwardian area. Some houses opposite the site clearly fall into that era of development.
7. The appeal proposal is a three and a half storey block of flats with 7 flats, one in the roofspace. There would be two flank dormers. The block would be set back from the road with 5 parking spaces and some manoeuvring space in front of it.
8. The proposal generally makes good use of space in the urban area but it would nevertheless be a prominent building which would be built very close to its side boundaries. In addition to that the proposed crown roof adds to the mass and bulk of the building. The judicious use of a central gable at the front aids the appearance of the block but does not eradicate the harm. The dormers also add to the bulk and do not fit comfortably in design with the crown roof. Overall, I consider that the building would look squeezed into the plot. It would be viewed more in the context of no.122 rather than the unremarkable Bramley House and its bulk and mass would be exposed to the streetscene given the significant loss of vegetation from the side boundaries. I have noted that the appellants would aim to re-establish the woodland setting but I have doubts about the likely success of that given the proposed hardstanding area and the proposed width of the building.
9. I also have some concerns about the use of zinc for the roof in an area which is noted for its Victorian and Edwardian influence.
10. Therefore, I conclude on this issue that the proposal would unduly harm the character and appearance of the area and would be contrary to policies Ho9 and Ho13 of the Reigate and Banstead Borough Local Plan 2005 'LP' and policy CS4 of the Reigate and Banstead Local Plan: Core Strategy (adopted 2014) 'CS'.

Living Conditions at no.122

11. No.122 Brambletye Park Road would be lower in height than the proposed block of flats and at the front it would sit very slightly further forward than the proposal. It has a rear garden including parking space, children's trampoline and at least one small wooden outbuilding, and part of the garden extends

beyond the proposed rear building line of the block of flats. I consider that the separation distances between, and the respective orientations of, no.122 and the proposal would be sufficient to avoid a sense of enclosure for the occupants of no.122 when in their house or in their garden.

12. There would be a staircase at the rear of the proposed building which would allow pedestrian access from some of the flats directly into the rear garden. The flat in the roofspace would have a rear roof terrace but it would not extend out to the corners of the building. Given distances and orientations, I am not convinced that there would be unacceptably intrusive overlooking into the rear garden or rear windows of no.122 from any of the proposed flats. Even if there was, a condition securing screening for the staircase could, in my view, be drafted. The screening would not necessarily be unduly harmful to the character or appearance of the building or area.
13. On this issue, I conclude that the proposal would not result in unacceptable loss of privacy or unacceptable loss of outlook and would not be contrary to policy Ho9 or Ho13 of the LP.

Parking provision and highway safety

14. The proposal includes the provision of enclosed, covered parking provision for seven bicycles within the building. It would provide 5 off-street parking places. The adopted parking standard is 10 off-street places. I agree with the appellant that there is a strong case for reduction of that maximum standard because the appeal site is within about 15 minutes' walk of Redhill mainline station and the town centre, and about 10 minutes from Earlswood station and there are bus stops close to the site. Schools and a nursery school are also close by.
15. The Highway Authority consider provision at less than one car park space per flat is not acceptable and that the displacement on-street parking would have the potential to cause cars to park on the kerb. It has produced photographs of cars parking with two wheels on the footway in the area and is concerned that this renders conditions unsafe for pedestrians using the footways. It accepts it is an existing problem but are silent as to potential ways and means of discouraging or controlling that behaviour. There is also evidence before me of cars parking without impinging on the footways and that accords with what I saw on my site visit, bearing in mind of course the 'snapshot' nature of such evidence. I have come to the view that the proposed off-street provision of 5 car parking spaces (including two disabled places) would be adequate parking provision given the accessibility of the site using non-car modes of transport and I am not persuaded that any resulting on-street parking would cause harm to highway and pedestrian safety.
16. Consequently, on this issue I conclude that the proposal would provide adequate off-street parking, and would not cause harm to highway and pedestrian safety. It would not be contrary to policy Mo7 of the LP or objective 3 of the Surrey Transport Plan 2011-2026.

Affordable Housing Contribution

17. Policy CS15 of the Reigate and Banstead Local Plan: Core Strategy 2014 'CS' requires the provision of affordable housing and aims to meet a target of delivering a minimum of 1500 affordable homes by 2027. In the case of

residential developments proposing 1 - 9 dwellings (net), a financial contribution broadly equivalent to the provision of 10% affordable housing would be sought. The contribution would be secured by a planning obligation, ring fenced and then spent on off-site delivery.

18. The Council's Affordable Housing Supplementary Planning Document 2014 references the findings of the East Surrey Strategic Housing Market Assessment 2008, which was updated in 2012. This assessment demonstrates that there is a significant issue with the affordability of housing in the Borough and a need for affordable housing. As such, and in light of the above, I consider the approach in Policy CS15 to be consistent with Paragraphs 47 and 50 of the Framework, which require local planning authorities to meet the full and objectively assessed needs for market and affordable housing and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.
19. The appellant objects to the provision of a planning obligation to secure an affordable housing contribution and as such, the proposal fails to adhere to Policy CS15. The appeal should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. A material consideration of considerable importance and weight in this instance is the Written Ministerial Statement 'WMS' dated 28 November 2014. The WMS states that 'for sites of 10-units or less....affordable housing and tariff style contributions should not be sought'. The intention of the WMS is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply. This statement has been translated into national planning guidance in Paragraph: 031 Reference ID: 23b-031-20160519 of National Planning Practice Guide 'PPG'. As such, there is a conflict between the WMS and the PPG and Policy CS15 of the CS, which I have found consistent with the Framework. I share the view of the Council that it is for the decision taker to weigh any conflict between the development plan and other material considerations.
20. The Council has provided a Position Statement setting out local circumstances in relation to this issue. The appellant has commented on this Statement. The information identified includes statistics and data regarding the local affordable housing need, homelessness and affordable housing need, challenges to affordable housing delivery and the importance of small site contributions and the steps taken by the Council to reduce the burden on small scale developers. In addition to that Statement I have had regard to several relevant planning appeal decisions. Looking at the evidence cumulatively, I do not consider the evidence is sufficiently weighty to set aside the WMS and PPG. Amongst other things, reliance on small site contributions is not particularly compelling and there are many other Boroughs which are less affordable areas to buy a home in England (including London). I do not agree that it is necessary at the local level (in accordance with the Community Infrastructure Levy Regulations 2010 and Paragraph 204 of the NPPF) to secure contributions towards affordable housing from smaller sites in order to make housing developments acceptable in planning terms.

21.As such, and based on the evidence in front of me, the WMS and PPG outweighs the requirements of the development plan in this instance and thus a planning obligation is not necessary. I therefore conclude that an affordable housing contribution cannot reasonably be required in this instance and therefore the development cannot be faulted for not making adequate provision for affordable housing.

Conclusion

22.In this appeal, whilst I have found that there would be no undue harm to living conditions for the occupants of no.122 Brambletye Park Road, no harm to highway or pedestrian safety and that no affordable housing contribution should be secured, I have found that there would be harm to the character and appearance of the area. This harm outweighs other considerations.

23.Having taken into account all representations made, I therefore dismiss the appeal.

Megan Thomas

INSPECTOR