
Appeal Decision

Site visit made on 25 October 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 3rd November 2016

Appeal Ref: APP/L3625/W/16/3154480

131 Gatton Park Road, Redhill, Surrey RH1 2EB

- 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 Mr and Mrs Madden against the decision of Reigate and Banstead Borough Council.
 - The application Ref 16/00022/F, dated 6 January 2016, was refused by notice dated 5 July 2016.
 - The development proposed is the erection of a new dwelling to rear of existing dwelling and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs Madden against Reigate and Banstead Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - whether the proposal would provide satisfactory living conditions for the occupiers of the existing dwelling with particular regard to noise and disturbance;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would make an adequate contribution to the supply of affordable housing in the area.

Reasons

Living Conditions

4. The existing dwelling at the appeal site is a detached two storey dwelling with a driveway and parking area in front of the building. The appeal proposal would include a relocated driveway running diagonally across the front of the building and then passing between the building and the eastern site boundary. A total of five parking spaces for the existing and new dwellings would be located behind the retained rear garden of the existing dwelling. The gap between the existing dwelling and the eastern side boundary is fairly narrow and allows very
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limited opportunity for planting or other means of separation between the flank wall of the building and the proposed driveway. That flank wall includes two windows and a door (currently providing access to a conservatory) at ground floor level and three windows at first floor level.

5. Vehicles and pedestrians visiting the proposed dwelling would, therefore, pass close to the front and side of the existing dwelling. In particular, there would be movements very near to the windows and door in the flank wall of the dwelling, with no effective means of separation. I recognise that traffic on Gatton Park Road generates a degree of background noise. However, No 131 is set back from the road by a reasonable distance and the noise level near the house is not untoward. In contrast, I consider that the noise and disturbance created by the movements along the access to the proposed dwelling would be intrusive due to its proximity and, therefore, harmful to the living conditions of the occupiers of the existing dwelling.
6. The appellant has referred to Gatton Park Court where vehicles pass below and between the flats. Whilst there are doors in the walls flanking this vehicle access, there are no windows. No details of the internal layout of the building or any noise insulation measures have been provided. Moreover, the building was constructed some time ago. I am not persuaded, therefore, that it provides a robust justification for the proposed access arrangements. Consequently, I find that the proposal would conflict with Reigate and Banstead Borough Local Plan 2005 (LP) Policy Ho9 to the extent that it presumes against residential development which seriously affects the amenity of neighbouring occupiers.

Character and Appearance

7. The vicinity of the appeal site is characterised by mid twentieth century residential development, albeit with a range of built forms, materials and architectural detailing. Whilst No 131 is fairly traditional, the blocks of flats at Templewood House and Gatton Park Court are significantly larger in scale and more modern in appearance.
8. The proposed dwelling would be located to the rear of No 131, some 50m back from Gatton Park Road and more than 25m behind the rear wall of the existing building. Moreover, the land slopes down from the road and the proposed building would be at a significantly lower level than No 131. Therefore, whilst I recognise that the proposed building would be considerably more bulky, and have a greater footprint, than the existing dwelling, by virtue of its siting and height relative to the road, I consider that it would not be prominent in the street scene when viewed in the gap between No 131 and Gatton Park Court. Street views of the new building through the narrower space to the west of No 131 would be filtered by the planting on that boundary.
9. I have already found that the proposed access to the side of No 131 would be narrow. However, of itself, the new access would not create additional built form or affect the spacing of adjoining buildings. Planting in front of the access would also soften its appearance in views from Gatton Park Road. Consequently, I consider that the access would not give the proposal a cramped appearance.
10. The proposed dwelling would be located opposite the ends of the four storey block of flats at Templewood House and the two storey terrace at 110 – 116

Colesmead Road. However, private views from the rear of these dwellings would, in the main, be screened by the mature planting on the western boundary of the site. Whilst the planting may not screen views from the upper floors of Templewood House, such views would be over the roof of the new building and, therefore, the degree of change would be limited.

11. The Council has also expressed concern regarding the flat roof design and bulk of the proposed dormers which, it considers, do not comply with its Householder Extensions Alterations Supplementary Planning Guidance (SPG). However the proposal is not for an extension or alteration and I have not been made aware which provisions of the SPG the proposal is considered to conflict with. Whilst the dormer windows are relatively large, they are not out of scale with the roof of the proposed building and their simple flat roof design would not be out of place with the range of architectural forms found in the locality.
12. Overall therefore, I conclude that the proposal would not be harmful to the character and appearance of the area. As such, it would not conflict with LP Policies Ho9, Ho13 or Ho14 insofar as they require residential development to conform to the pattern of development in the area and to be laid out and designed to a high standard incorporating elevational treatments and roofscapes which complement the local character. Nor would the proposal conflict with Policy Ho14 inasmuch as it requires access to development in back gardens to not unduly disrupt the character and appearance of the road frontage. The proposal would not conflict with the Council's Local Distinctiveness Supplementary Planning Guidance insofar as it has similar aims.
13. The first reason for refusal also cites LP Policy Ho16. However, this policy deals with frontage plots and extensions and, therefore, does not appear to be applicable to the appeal proposal.

Affordable Housing

14. Policy CS15 of the Reigate and Banstead Local Plan Core Strategy 2014 seeks to secure a minimum of 1500 new affordable housing units in the period 2012 to 2027. For developments of 1 to 9 dwellings the policy states that the Council will negotiate to achieve a financial contribution broadly equivalent to the provision of 10 percent affordable housing. However, following a Court of Appeal ruling, the Written Ministerial Statement (WMS) dated 28 November 2014 has been confirmed as Government Policy to be read alongside the National Planning Policy Framework (the Framework). The provisions of the WMS are reflected in the Planning Practice Guidance (PPG) which states that local planning authorities should not seek affordable housing contributions in connection with developments of less than 10 dwellings (paragraph Reference ID: 23b-031-20160519). The aim of the policy is to alleviate the disproportionate burden of developer contributions on small-scale developers.
15. Since the proposal falls below the WMS threshold, the appellant considers that a financial contribution towards affordable housing is unnecessary.
16. The Council acknowledges that that the PPG is a material consideration, but considers that it is outweighed by the particular need for affordable housing in the Borough. Nevertheless, it has also produced a Position Statement (PS) to support its approach to the affordable housing issue. In essence, the PS finds that there is a pressing need for affordable housing in the Borough with a requirement for at least 366 additional units per annum. However, the Council

has not been able to secure significant affordable housing from large sites due to challenges to the viability of such provision. It, therefore, places particular emphasis on securing contributions from smaller sites and advises that there have been no cases where the viability of providing such contributions has been challenged.

17. In its review of recent housing completions table 3 of the PS categorizes smaller sites as less than 100 units and defines a separate category for developments by private individuals. The figures do not, therefore, allow a direct analysis of sites of falling within the WMS threshold of 10 units or fewer. Nevertheless, the scale of the appeal proposal suggests that it would have more in common with development by private individuals than with sites of up to 100 dwellings in terms of its capacity to absorb the requirement for financial contributions.
18. Table 3 of the PS shows that the number of completions private individuals and small sites increased considerably in 2015/16 compared with immediately preceding years. Allowing for project time lags, the WMS was likely to have been in operation in 2015/16. Whilst the available information is limited, it does appear to show that the WMS has had the effect intended by the Government and increased the supply of housing from smaller sites. I recognise that the Council has sought to reduce the burden of financial contributions on small developers. Nonetheless, I am not persuaded that the requirement for financial contributions towards affordable housing required under Policy CS15 has not affected the viability of smaller sites. A healthy supply from this source would contribute to the housing needs of the Borough in accordance with the WMS and Framework paragraphs 47 and 50.
19. The PS refers to an appeal decision in Elmbridge¹ where the Inspector found that the requirement for affordable housing contributions from smaller sites outweighed the WMS. However, in that Borough, the affordability ratio was greater than in Reigate and Banstead (21.5, rather than 15.4 times average lower quartile net income) and a greater proportion of the total housing supply appears to be derived from smaller sites. As such, the circumstances of the two Boroughs are not directly comparable. My attention has been drawn to other appeal decisions which deal with affordable housing contributions on small sites, although they appear to pre-date the publication of the PS². The only decisions³ which have regard to the PS found that it did not outweigh Government policy.
20. On the evidence available therefore, I find that benefit of increasing the supply of housing supply intended by the WMS carries very considerable weight and justifies determining the appeal other than in accordance with CS Policy CS15. Consequently, the absence of Planning Obligation dealing with affordable housing does not weigh against the proposal in this case.

Other Matters

21. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

¹ Appeal Ref: APP/K3605/W/16/3146699

² Appeal Refs: APP/L3625/W/16/3144059 and APP/L3625/W/15/3141195

³ Appeal references APP/L3625/W/16/3151612 and APP/L3625/W/16/3151989

Planning Balance and Conclusion

22. Framework paragraphs 7 and 8 require the social, economic and environmental roles of sustainability to be considered together.
23. Framework paragraphs 17 and 47 seek to boost the supply of housing. The provision of one new dwelling would make a very modest contribution to the supply of housing in the area and, therefore, to the social role of sustainability. On the other hand, I have found that the development would be harmful to the living conditions of neighbouring occupiers. In this respect, it would have a moderate negative effect on the social role.
24. I have found that the proposal would not be harmful to the local environment and there is nothing to suggest that the appeal site is not sustainably located. It has not been shown that the proposal would contribute to the economic role of sustainability. Accordingly, the effect of the proposal would be neutral in these regards.
25. Overall, therefore, I find that the proposal would not be sustainable and does not benefit from the presumption in favour of sustainable development.
26. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR