

Appeal Decision

Site visit made on 1 December 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/L3625/W/16/3151496

Land at rear, 26 Devon Road, Merstham, Surrey RH1 3EU

- 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 Peter Ray Design against the decision of Reigate & Banstead Borough Council.
 - The application ref: 16/00393/F, dated 15 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is described as "2 new 2 storey houses with drive & parking. Prev. app 15/01854".
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Decision

1. The appeal is dismissed.

Background & Preliminary Matters

2. In the light of a recent appeal decision¹ regarding a previous scheme for the site, in which the Inspector found that a contribution towards affordable housing was not necessary, the Council has confirmed it no longer wishes to pursue that matter in this case. Given also that a unilateral undertaking included in the appellant's representations is in draft form only, I have not considered either the need for a contribution or the undertaking any further. The June 2016 appeal decision is however a relevant consideration in the determination of this current appeal.
3. The appeal submissions include a revised plan (drawing no. 966-10 rev D) which corrects a discrepancy in dimensions that is noted on the Council's decision notice. I have taken this plan into account, being satisfied that doing so would not prejudice the interests of any other parties. I have also borne in mind that, like the plan it supersedes, this revised plan includes a 'north' arrow pointing in the wrong direction.

Reasons

4. Further to paragraph 2 above the **first main issue** is the effect of the appeal proposals on the character and appearance of the surrounding area, including whether or not they would amount to an overdevelopment of the site.

¹ Appeal ref: APP/L3625/W/15/3141195, decision dated 16 June 2016 (after this appeal was lodged)

5. The site is in an area described in the Council's Local Distinctiveness Design Guide² as '1930s-1950s Suburbia'. Its key characteristics were described very recently by the Inspector in the June 2016 decision and I saw nothing during my own visit at odds with that description. The Inspector found that the proposed access and driveway arrangements in that case would not alter the character and appearance of the street scene to any material degree. Very similar arrangements are proposed in this current appeal scheme and I find no reason to reach any different conclusion on that aspect of this scheme.
6. The previous Inspector was however concerned that the pair of houses in that scheme would undermine the characteristic pattern of housing in the area, for the reasons set out in his paragraph 5. Similarly I find that a pair of houses in this backland location would appear as an isolated block of built form, unrelated to the existing development pattern which, in the immediate locality, is primarily one of dwellings in rows fronting directly onto the streets³. I find that to be the case even though there are examples of backland development elsewhere in the wider locality. I concur with the previous Inspector's reasons for finding that the Deans Road example cited by the appellant is not directly comparable with these proposals for housing to the rear of no. 26.
7. In this scheme a different approach has been taken to the design, footprint and thus the form of the building, not least in replacing parking spaces with integral garages and in providing more space to the outer side of each house. However that would result in a building of greater depth, bulk and height than in the dismissed scheme, and it would stand out even more as an uncharacteristic feature in this backland setting. In addition, in terms of space behind the houses, each house would have a projecting ground floor element. The appellant's own measurements indicate a distance of 6.6m between that element and the rear boundary, and a distance of 8.7m between the main rear wall and the boundary. Neither distance is overly generous, especially in a locality characterised by relatively long gardens.
8. Moreover it is indicated in both the design and access statement and the grounds of appeal that the very tall conifers along the rear boundary would be retained. This row of trees would, in practical terms, further reduce the depth of the available rear gardens. All these aspects of the scheme would together result in the houses appearing unduly cramped on the site, and that effect would not be offset by the spaces to the sides of the houses. The sense of a cramped overdevelopment would be further reinforced by the effects of the tall evergreen trees on sunlight to and outlook from the rear windows of the proposed houses⁴.
9. For all the above reasons I find that the current appeal scheme would be an overdevelopment of its site which would not only harm the character and appearance of the immediate site locality but would also fail to achieve the high standard of design that development plan policy and the *National Planning Policy Framework* seek to achieve. It would conflict in particular with saved Policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan 2005 and with Policies CS1 and CS4 of the Reigate and Banstead Local Plan: Core Strategy (2014).

² Dated 2004 and adopted as Supplementary Planning Guidance (SPG)

³ Including an adjacent infill pair (nos. 14 and 16) at the end of Melton Road

⁴ When the correct site orientation is taken into account, and even if the trees are reduced to and maintained at a height of 7m, as suggested in the submitted arboricultural impact assessment

10. The **second main issue** is the effect of the appeal proposals on living conditions in nearby properties in Orpin Road to the rear. Given the garden lengths of those properties it is primarily overlooking of their gardens rather than privacy inside the dwellings which is of concern. However, as already noted, it is proposed to retain the row of evergreen conifers along the boundary, and these form a very effective visual screen. Even if the conifers were to die or be removed I find it unlikely that first floor windows at around 8.7m from the rearmost part of the adjacent long gardens would result in overlooking to such a degree that it would harm the neighbouring occupiers' living conditions. I find no conflict with development plan policies or with the *Framework* in this respect.
11. I note that local residents have raised a range of other concerns, but these have been adequately addressed in the Council officers' report on the scheme and in the previous appeal decision, such that I have nothing to add. I have borne in mind that the plot of no. 26 as a whole is unusually large and that the appeal scheme would result in a more effective use of it, adding two family dwellings to the Borough's housing supply in an accessible location without harm to living conditions at any neighbouring properties. However neither these matters, my findings on the second main issue nor any other matters raised are sufficient to alter or outweigh my findings on the first main issue and the consequent conflict with the development plan. Overall therefore I conclude the appeal must fail.

Jane Miles

INSPECTOR