

Appeal Decision

Site visit made on 24 November 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/L3625/W/16/3154884

Forest Lodge, Forest Drive, Kingswood, Surrey KT20 6LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Deirdre Belcher against Reigate & Banstead Borough Council.
 - The application Ref 15/02647/s73 is dated 24 November 2015.
 - The application sought planning permission for conversion of existing coach house comprising garage with chauffeurs accommodation above to self-contained residential unit for relative with living room, kitchen and cloakroom on ground floor and bedroom with en-suite above without complying with a condition attached to planning permission Ref P/05/00702/F, dated 19 May 2005.
 - The condition in dispute is No. 4 which states that: *"The converted building hereby permitted shall only be occupied in conjunction with the existing house at Forest Lodge and shall not at any time be occupied as a separate dwelling."*
 - The reason given for the condition is: *"To maintain planning control in order to safeguard the amenities of the Residential Area of Special Character, and to comply with policies SE4, Ho9, Ho13, Ho15 and Ho16 of the development plan."*
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing coach house comprising garage with chauffeurs accommodation above to self-contained residential unit for relative with living room, kitchen and cloakroom on ground floor and bedroom with en-suite above at Forest Lodge, Forest Drive, Kingswood, Surrey KT20 6LU in accordance with application Ref 15/02647/s73 made on the 24 November 2015 without compliance with condition number 4 previously imposed on planning permission Ref P/05/00702/F dated 19 May 2005 subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the eastern elevation at or above first floor level.

Preliminary Matters

2. The site address is given on the application as Forest Lodge, Forest Drive, Kingswood, Surrey KT20 6LU, but there is another house with that address. For
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clarity, the property to which this appeal relates is on the junction of Forest Drive and Waterhouse Lane.

3. I understand that the original application, reference P/05/00702/F, was submitted to the Council on householder planning application forms with the appropriate fee. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) confirms that a householder application *'does not include an application for change of use or an application to change the number of dwellings in a building.'*
4. Be that as it may, there is nothing in Section 73 of Act that appears to prevent the removal of a condition in these circumstances. The appeal is validly made and I have dealt with it on that basis.

Main Issue

5. The main issue in this case is the effect of removing the condition on the character and appearance of the surrounding area.

Reasons

6. Forest Drive and Waterhouse Lane comprise large houses within generous sized plots surrounded by mature landscaping. The area has been designated as a Residential Area of Special Character (RASC) by the Council, who seek to protect this spacious and verdant character and to restrict the subdivision of plots.
7. Forest Lodge is a traditional style of house within a large garden that reflects the character of the area. Adjacent to the house is the former coach house that has been converted to provide separate living accommodation. I understand it has been previously occupied by a member of the family living within the main house and it is likely that it would be re-occupied in a similar manner should the condition remain.
8. The effect of the removal of this condition is that the building could be occupied entirely separately of the main dwelling. Policy Ho15 of the Reigate and Banstead Borough Local Plan (LP) seeks to protect the spacious character of the area, including resisting development that would result in plot sizes significantly smaller than those prevailing in the area.
9. However, in this particular case, removing the condition would make no difference to the spacious character of the area, for two reasons. Firstly, the main house and the converted coach house already have the appearance of two separate residential buildings, and the amount of built development on the site would not change as a result of the proposal. Secondly, a fence and section of hedging are already in place that physically subdivide the main house from the coach house. Consequently, the site already has the appearance of plots smaller than those in the surrounding area. So whilst enabling the coach house to be occupied as a separate dwelling, allowing the appeal would make no difference to the appearance of the site or the character of the area.
10. For these reasons, I conclude that condition no. 4 is not necessary or reasonable taking account of the National Planning Policy Framework and Planning Practice Guidance. As such, the development is not contrary to Policies Ho9, Ho13 and Ho15 of the Reigate and Banstead Borough Local Plan

that seek to respect and be compatible with the character and appearance of the RASC and be of a high standard of design.

Conclusion

11. On the basis of the above considerations, I conclude that the appeal should succeed and I will issue a new planning permission without the disputed condition.

Conditions

12. In allowing the appeal and granting planning permission I have considered those conditions imposed on the original planning permission. No conditions are necessary to limit the period for commencement of the permission, relating to external finishes of the development or to the approved plans as the development is complete. However, I have applied the condition restricting provision of windows in the eastern elevation of the first floor of the building given its proximity to the boundary and potential for overlooking of the neighbouring property that would harm the living conditions of occupiers of that dwelling. I have amended the wording of the condition suggested by the Council in the interests of clarity.

AJ Steen

INSPECTOR