
Appeal Decision

Site visit made on 12 December 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/L3625/W/16/3158636

Stanton Lodge and land rear of 1 - 7 Shelveys Way, Tadworth KT20 5QJ.

- 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 Devine Homes Plc against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 16/01437/F, dated 16 June 2016, was refused by notice dated 1 September 2016.
 - The development proposed is the demolition of Stanton Lodge and erection of 5 residential dwellings (3 x 4 bedroom and 2 x 3 bedroom) with associated access, parking and amenity space.
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Preliminary Matters

1. A previous application for the erection of 6 dwellings on this site was refused by the Council but recently allowed on appeal (APP/L3625/W/16/3150102). This is a significant material consideration. Nonetheless I am required to determine this appeal on the basis of the evidence and representations put to me.
2. The Council's third reason for refusing planning permission was based on the failure to provide a contribution towards affordable housing provision. However the Council has now indicated that it is no longer contesting that matter.

Decision

3. The appeal is allowed and planning permission is granted for the demolition of Stanton Lodge and erection of 5 residential dwellings (3 x 4 bedroom and 2 x 3 bedroom) with associated access, parking and amenity space at Stanton Lodge and land rear of 1 - 7 Shelveys Way, Tadworth KT20 5QJ in accordance with the terms of the application, Ref: 16/01437/F, dated 16 June 2016, subject to the conditions set out in the attached schedule.

Main Issue

4. The main issue in the appeal is the impact of the proposed development on the character and appearance of the locality.

Reasons

5. The appeal site is located in a residential area, with Metropolitan Green Belt abutting its eastern boundary and Urban Open Land (as designated in the Reigate and Banstead Borough Local Plan (LP)) to the south. Both Green Belt
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and Open Land are made up of woodland which wraps around the site. To the east of the narrow strip of Green Belt is the busy A217 dual carriageway. Hence, although bounded by woodland on 2 sides the site is not tranquil and nor does it give the impression of being in or on the edge of countryside. The character of the appeal site itself is made up of typical suburban gardens, with a wooded backdrop. It is identified by the Council as 1930s – 1950s suburbia.

6. The result of development as proposed would be to intensify the residential use of this part of the area, but it would not do so to the extent that it would adversely impact upon the transition to countryside. This is especially so since there is little impression of countryside hereabouts. The dwellings themselves would be located in plots of adequate size, and although the plots would be smaller than those to the west, there would be no dilution of the essential residential nature of the locality. In any event the new development would be barely visible given the intervening woodland and housing along Shelveys Way.
7. The development plan includes the LP identified above, and a number of policies therein seek to ensure that development is appropriate to its location and forms an acceptable transition between urban and countryside areas (Policies Ho9, Ho13 and Ho14). There are similar objectives in the Reigate and Banstead Local Distinctiveness Design Guide supplementary planning document (SPD).
8. Given the context of this appeal as set out above I do not find that the proposal would be in conflict with any of the policies cited by the Council, or with the SPD. In this I agree with the Inspector who determined the previous appeal on this site and granted planning permission for 6 dwellings.

Other Matters

9. Other matters raised by local residents include the matters of traffic generation, parking and tree loss. A development of 5 dwellings would not be likely to generate a great deal of traffic, and in the wider context of the junction of Shelveys Way with the A217 is unlikely to materially affect current conditions. This is not a matter pursued by the Council. Similarly the Council is content with the amount of parking proposed on site and I see no reason to disagree. Whilst there would be some loss of vegetation I note that specific trees would be retained, and that there is scope for further planting. Given the context of the site in a well vegetated location I do not consider that this is a matter which weighs against the proposal.

Conditions

10. In the event of the proposal being permitted the Council has suggested a number of conditions be imposed. I agree that conditions are necessary which identify the permitted plans to assist in defining the permission. In order to ensure a satisfactory finished appearance conditions are necessary which agree external materials, landscaping and boundary treatments. In order to minimise disruption conditions are necessary for the control of on-site parking and storage, and the control of vehicles entering and leaving the highway. For safety reasons it is necessary to impose conditions dealing with the provision of the access, visibility splays and parking. The restriction of roof and first floor windows is reasonable to protect privacy.

11. I do not agree that it is necessary to impose a condition requiring bathroom windows to be fixed shut. These windows would inevitably be obscure glazed in any event. I agree with the previous Inspector that a condition requiring 10% of energy needs to be from renewable sources would not be reasonable. With only minor changes, and for consistency, I will adopt the conditions used in the previous appeal (amended where necessary to reflect differences in the 2 schemes).

Overall Conclusion

12. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
15003-A-PL21A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 35A.
- 3) No development shall take place (including groundworks and demolition) until a scheme, including supervision, for tree protection measures has been submitted to and approved in writing by the local planning authority. The scheme shall include provisions for a pre-commencement meeting between the retained arboricultural consultant, local planning authority Tree Officer and individuals/personnel responsible for implementing the approved development, a supervision and monitoring regime, and a process for reporting to the local planning authority.
- 4) No development shall take place (including groundworks and demolition) until tree protection measures have been put in place in accordance with a Tree Protection Plan, Tree Report and the supervision scheme approved pursuant to condition 3. The tree protection measures shall remain in place and development shall be carried out at all times during the construction period in accordance with those measures and with the supervision scheme approved pursuant to condition 3.
- 5) No development shall take place (including groundworks and demolition) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of provisions for the parking of vehicles of site personnel, operatives and visitors; loading, unloading and storage of materials; provision of any boundary hoarding behind any visibility zones; a programme of works including measures for traffic management. Works

shall be carried out in accordance with the approved Plan at all times during the construction period.

- 6) No development shall take place until details of the materials to be used in the external surfaces of the buildings hereby permitted, including fenestration and roofing, and details of boundary treatments, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include: details of hard landscaping materials; details of soft landscaping including planting plans/specifications and plant schedules with species, numbers/densities and size at planting; an implementation and management programme. All hard and soft landscaping shall be carried out in accordance with the approved scheme.

Any trees or shrubs which within a period of 5 years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the local planning authority.

- 8) No dwelling hereby permitted shall be first occupied unless and until the proposed vehicular access to Shelveys Way has been constructed and made available for use in accordance with the approved layout plan and with details of visibility splays that have first been submitted to and approved in writing by the local planning authority. The visibility splays shall be retained thereafter and kept clear of any obstruction exceeding 1.05m in height.
- 9) No dwelling hereby permitted shall be first occupied unless and until facilities for vehicle parking (including garages) and turning have been provided and made available for use in accordance with the approved plans. The vehicle parking and turning facilities shall be retained and kept available for such purposes at all times thereafter.
- 10) 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 first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed at any dwelling hereby permitted.
