
Appeal Decision

Site visit made on 13 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/16/3158531
34 Limes Avenue, Horley, Surrey RH6 9DG.

- 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 Richard Skelley, Denton Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 16/00263/F, dated 3 February 2016, was refused by notice dated 29 April 2016.
 - The development proposed is demolition of existing buildings and outbuildings. Erection of 5 x 2 storey detached dwellings, with associated access, parking and landscaping works.
-

Preliminary Matters

1. The Council's decision notice includes a reason for refusing planning permission based on the failure to provide a contribution towards affordable housing provision. The Council is now no longer contesting that issue.
2. A previous proposal for 7 dwellings on the site was refused and dismissed at appeal. The proposal before me seeks to address the matters at issue in that case. I note that flood risk is not now a matter of contention.

Decision

3. The appeal is allowed and planning permission is granted for demolition of existing buildings and outbuildings and the erection of 5 x 2 storey detached dwellings, with associated access, parking and landscaping works at 34 Limes Avenue, Horley, Surrey RH6 9DG in accordance with the terms of the application, Ref: 16/00263/F, dated 3 February 2016 subject to the conditions set out in the attached schedule.

Main Issues

4. The main issue in the appeal are:
 - (a) The impact of the proposed development on the character and appearance of the surrounding locality;
 - (b) The impact of the proposed development on the living conditions of the future occupants of the 2 proposed frontage plots.

Reasons

Character and Appearance

5. Limes Avenue is a pleasant suburban road characterised by its twentieth century dwellings, almost all of which are 2 storeys high. They are set in generous plots along a tree lined street. The property which currently sits on
-

the appeal site is a single storey dwelling and it is set well back from the street, unlike the majority of houses.

6. However, the set back from the street of the bungalow is not a unique feature of the area. There are other developments which are set behind frontage dwellings, some of which are nearby. There are, for example, properties at Fishers Farm next door, and at Stocks Close, in both cases dwellings are reached by means of access taken from Limes Avenue. In other words 'in depth' development behind houses fronting the main streets is an established characteristic of the locality.
7. Within this context the proposal would introduce 2 dwellings which would sit at the front of the site, with their orientation guided by the dwellings on either side. That seems to me to be perfectly reasonable. The gap between those 2 dwellings would be quite small, but sufficient to enable an access drive to be constructed to the 3 proposed dwellings to the rear. Indeed the narrowness of the access would enable retention of the continuous street frontage along Limes Avenue without introducing a visually jarring access point.
8. It is notable that the 3 dwellings towards the centre/rear of the site (plots 3 to 5 on the submitted plans) would be aligned with one of the dwellings at Fishers Farm (No 4). The garden sizes of the 5 proposed dwellings would also be roughly equivalent to others in the vicinity, including at Fishers Farm and Stocks Close. Hence I am satisfied that in principle the development would not be at odds with the prevailing character of the area. The opportunity for landscaping the plots would enable the pleasant and well vegetated ambience to be retained.
9. The Council has produced the Reigate and Banstead Local Distinctiveness Design Guide as a supplementary planning document (SPD). This addresses infill development of the type proposed here. In relation to the criteria set out as guidance to achieve a successful infill scheme I agree with the Appellant that the proposal accords with the relevant matters. Only Plot 3 would be close to a rear garden boundary (as opposed to being flanked by another building) and the windows at first floor level would serve en-suite bathrooms only. In this regard the impact on the neighbouring garden would be minimal.
10. The development plan includes the Reigate and Banstead Local Plan of 2005. A number of overlapping policies are relevant here. The thrust of the policies (Ho9, Ho13, Ho14) is that development should be compatible with and maintain the existing character of the area, that access should not disrupt the road frontage, and that the amenities of neighbours should not be seriously affected. For the reasons set out above I find no conflict with these policies, which also follow the themes of good design set out in the National Planning Policy Framework (NPPF).

Living Conditions of Future Occupants

11. The driveway between plots 1 and 2 would pass the flank walls of those properties. These flank walls are predominantly blank, with only a small bathroom window proposed. Although the passage of vehicles along the drive would be perceptible from parts of plots 1 and 2, including the gardens, I accept that traffic flows to the rear plots are likely to be low.

12. There are opportunities for significant landscaping and boundary treatment alongside the proposed access which would mitigate any impact, and in my judgement it would be unlikely that the use of the access would be sufficiently intense that it would cause any undue disturbance or noise nuisance for the residents of plots 1 and 2. As a result I do not find any conflict with Policies Ho9 or Ho13 in this respect.

Other Matters

13. I have taken careful note of the matters brought to my attention by local residents, including in a petition from the Limes Avenue Residents' Association. For the most part the representations which encompass planning matters have been dealt with above. I note the concerns relating to traffic but there has been no objection from the Council in relation to that matter, nor in relation to other concerns such as sewerage capacity. I cannot take into account the representations about tree felling as that is not a matter before me. None of these other matters is sufficient to alter the balance of my conclusions.

Conditions

14. In the event of the appeal being allowed the Council has suggested a list of conditions be imposed. The identification of the permitted plans assists in defining the permission and I have taken this from the list submitted by the Appellant. In order to ensure a satisfactory finished appearance conditions are necessary which agree external materials, landscaping, boundary treatments and finished floor levels. 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. I agree that a condition requiring a bat survey is necessary in the interests of the safeguarding of protected species.
15. I agree with the Appellant that the suggested conditions requiring bathroom windows to be fixed shut is unnecessary. I also agree that the restriction of permitted development rights (other than for first floor or roof windows) is unnecessary as there have been no exceptional circumstances identified here. The conditions relating to surface water drainage need only refer to compliance with the previously agreed drainage strategy. Where necessary I have amended the conditions for clarity, simplicity and precision.

Overall Conclusion

16. For the reasons given above, having had regard to all submitted representations, 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:

Architectural Drawings: 018-(P)-01, 02A, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12.

Arboricultural Report: DPA-69834-01 rev A – Tree Survey; DPA-69834-02 rev B – Tree Protection Plan – Existing Layout; DPA-69834-03 rev B – Tree Protection Plan – Proposed Layout.

Drainage Strategy: DH019 04 – Tank; DH019 04 – Pond.

Transport Statement: 140550/TS/03 – Proposed Site Layout; 140550/TS/04 – Swept Path Analysis.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall commence until details of the materials to be used in the construction of the external surfaces, including fenestration and roof, of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence until details of the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development as set out in the Arboricultural Report of January 2016.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) measures to control the emission of dust and dirt and to prevent the deposit of material on the highway during construction;
- v) a programme of works (including measures for traffic management).

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) The development hereby permitted shall not be first occupied until the proposed vehicular access to Limes Avenue has been constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme shall also include the provision of pedestrian intervisibility splays at the access to Limes Avenue. The scheme shall be implemented as approved.
 - 10) The development hereby permitted shall not be first occupied until space has been laid out within the site for vehicles to be parked and for vehicles to turn so that they are able to enter and leave in forward gear, in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
 - 11) No dwelling hereby permitted shall be occupied until the sustainable drainage system for the site shall have been completed in accordance with the details set out in the drainage strategy dated January 2016.
 - 12) 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.
 - 13) No development shall commence, including demolition of existing buildings on site, until a survey by an appropriately qualified person has been undertaken to check for bats. Any identified remedial action shall be carried out in accordance with the prevailing regulations prior to any commencement of works on site.
-