
Appeal Decision

Site visit made on 1 December 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 24th January 2017

Appeal Ref: APP/L3625/W/16/3155661

12 Beech Road, Reigate, Surrey, RH2 9LR

- 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 & Mrs Bates against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/00071/F, dated 12 January 2016, was refused by notice dated 17 March 2016.
 - The development proposed is the erection of a dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of the occupiers of No 12 Beech Road, and future occupiers of the proposed dwelling, with regard to a loss of outlook.

Preliminary Matters

4. The Council originally refused planning permission for three reasons. The Council's third reason for refusal related to the failure to provide a financial contribution towards affordable housing provision in the Borough. Subsequently, the Council has reviewed its approach to affordable housing contributions in light of recent appeal decisions and Government guidance that such contributions should not be sought in connection with developments of less than 10 dwellings (PPG paragraph Reference ID: 23b-031-20160519). The Council has now confirmed that it is no longer requiring financial contributions towards affordable housing from developments below this threshold. Accordingly, the Council is no longer seeking to pursue this reason for refusal. It has not therefore formed part of my deliberations.
 5. The appellant has provided a draft Unilateral Undertaking (UU) relating to a financial contribution towards affordable housing provision. However, the UU is
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not signed by any of the parties, nor is it dated on the front page. Accordingly, the document does not put into effect what is intended, and therefore carries no weight. However, as the Council has withdrawn this reason for refusal, the lack of a valid UU has no bearing on my decision on the appeal.

6. The site has been subject to a previous appeal decision (ref T/APP/L3625/A/95/255263/P5) for a development that would also have provided a new dwelling in the front garden of No 12 Beech Road. Some of the matters considered in that appeal are relevant to the current proposal, although the positioning and access arrangements were clearly different. The decision is also dated 22 February 1996, and was therefore made in an earlier policy context. In these circumstances, and in view of the matters considered in that case, I attach some weight to the previous Inspector's findings.

Reasons

Character and appearance

7. The appeal site comprises the garden of a large detached property (No 12) that fronts onto Beech Road. The site is partly within a designated Residential Area of Special Character (RASC) in the Reigate and Banstead Borough Local Plan (2005). This designation recognises the special character of the area, which consists of large, attractive properties set in spacious grounds. The area is also characterised by high quality landscaping.
8. No 12 is located at the rear of its plot, and is approximately 40 metres from Beech Road. The proposal would introduce a new dwelling into the front garden area that would align with the properties on either side (Nos 10 and 14). Whilst this would be consistent with the building line on this side of the road, the two plots that would be created would be small compared to the surrounding properties. The plot occupied by the proposed dwelling would appear particularly small given it would be separated from the shared access by a brick wall and planting. Both properties would have smaller gardens than the surrounding properties and would be in relatively close proximity to one another. I also do not consider that the grass verge adjacent to the road should be included in the plot size for comparative purposes as this is visually separated from the rest of the site by a tall boundary hedge. The proposed plots would therefore appear unduly cramped and would fail to reflect the generous garden sizes in the area. Whilst the width of the road frontage would be comparable to nearby properties, in other respects the proposal would fail to reflect the established characteristics of the area. I note that the previous Inspector had similar concerns regarding the creation of two smaller plots on this site.
9. The appeal site is in a transitional location between larger plots to the north, and generally smaller plots to the south. However, the proposed dwelling would be within a smaller plot than the majority of the properties to the south. Whilst a number of other nearby plots have been sub-divided to provide new dwellings in backland locations, these are generally larger plots where more sympathetic plot and garden sizes can be achieved. In addition, whilst the adjoining property (No 10) has recently been significantly extended, it remains a single property in a large spacious plot. It is therefore not directly comparable to the appeal proposal.

10. The existing dwelling is positioned at the back of the plot which is not typical of the RASC. However, the dwelling is a large attractive property set in mature landscaping that otherwise contributes to the character of the area. The appellant further states that the current garden to No 12 was created through the purchase of land from the adjacent property, and that the original garden was much smaller than at present. Whilst that may be so, the land would still have been used as a garden that would have contributed to the spacious character of the road. Accordingly, this consideration does not weigh in favour of the development in my view.
11. I further note that the existing garden and boundary landscaping are already mature and of a high quality, and there appears to be limited scope for significant enhancement in this respect.
12. Separately, I am satisfied that the proposed dwelling would be of acceptable design and that the fenestration would not be unduly cluttered. In this regard, the dwelling would be of contemporary design that would incorporate an acceptable window hierarchy. This would provide visual interest to the front elevation.
13. For the above reasons, I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policies Ho 9, Ho 13, and Ho 15 of the Reigate and Banstead Borough Local Plan (2005), and guidance contained within the Household Extension and Alterations Supplementary Planning Guidance (2004). Taken together, these policies seek to ensure that development within a RASC reinforces local distinctiveness, does not result in uncharacteristic plot sizes and does not harm the character and appearance of the area generally.

Living conditions

14. The proposed dwelling would be located relatively close to the existing property, and the plans confirm that the gap between them would be 16m at the narrowest point.
15. The rear elevation of the new dwelling would be around 2 metres from the proposed boundary wall between the properties. In this regard, I note that the roof profile to the new property would be lower at the rear which would limit any oppressive or unneighbourly effect on the retained garden area behind it. There would also be an opportunity to provide a new landscaped boundary along the proposed brick wall to soften the impact of the new dwelling. This could be secured by condition. The proposed dwelling would be orientated towards the road, and would therefore not be unduly affected by the existing property.
16. Given the orientation of the windows in the proposed dwelling there would no unacceptable overlooking to either property.
17. I conclude that the development would not significantly harm the living conditions of the occupiers of No 12 Beech Road, or future occupiers of the proposed dwelling, with regard to a loss of outlook. It would therefore be in accordance with the relevant sections of Policies Ho 9, Ho 13, and Ho 15 of the Reigate and Banstead Borough Local Plan (2005).

Other Matters

18. There is some dispute concerning the pre-application advice provided by the Council. In particular, the appellant states that this did not raise any concerns regarding the effect of the development on the living conditions of No 12 Beech Road and the future occupiers of the proposed dwelling. This was subsequently one of the reasons for refusal. However, the pre-application advice was not supportive of the development and stated that the effect on neighbour amenity would require further assessment at the application stage. In any event, pre-application advice is not binding on the Council in determining later applications.
19. The development would replicate the existing pattern of development that exists along the street. It would also retain the existing hedge along the frontage. Accordingly, there would be no unacceptable loss of outlook to No 13, opposite.
20. Given that the development only proposes a single dwelling, it would not lead to an unacceptable increase in traffic and congestion in the area. I note that the Highway Authority did not object to the development on these grounds.

Conclusion

21. For the reasons set out above, I conclude that the development would unacceptably harm the character and appearance of the area. Whilst there would be a positive benefit in terms of the provision of a new house in a relatively sustainable location, and no significant harm to the living conditions of the occupiers of either No 12 or the proposed dwelling, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR