
Appeal Decision

Site visit made on 4 January 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/L3625/W/16/3159806
52-54 Brighton Road, Banstead SM7 1BT

- 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 Gary Ferrier, Lucas Design & Construction against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/00727/F, dated 30 March 2016, was refused by notice dated 23 August 2016.
 - The development proposed is described as 'Erection of a detached two & a half storey building containing 9no flats, a detached two storey building containing 2no 2bed maisonettes and 3no 4bed terrace houses with associated parking & external works following demolition of no's 52 & 54 Brighton Road'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following its decision, the Council has confirmed that it no longer wishes to pursue its third reason for refusal related to highway matters. This is because the highway authority, following receipt of drawing no. 2016/3276/001 Rev A showing revised turning paths for large vehicles, has stated that it has no objections to the proposal.
 3. I understand that drawing no. 2016/3276/001 Rev A had not been submitted to the Council as planning authority before it made its decision. However, it does not substantially alter the nature of the appeal proposal. I have taken it into account in determining the appeal as I am satisfied that to do so would not prejudice the procedural interests of any party.
 4. The Council has also, after making its decision, confirmed that it no longer wishes to contest its fourth reason for refusal, relating to affordable housing. This is because a planning obligation has been executed covering this issue, on which I comment further later in my decision.
 5. Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy (RBLPCS) 2014 refers to 'valued townscapes' and to a Landscape and Townscape Character Assessment (LTCA). To clarify the effect of this Policy I sought further details from the Council, in response to which it submitted a copy of the LTCA and confirmed that the 'valued townscapes' are not shown on the Local Plan Policies Map. Although the Appellant was given an opportunity to comment on this information, no comments were received in response.
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Main Issues

6. The main issues are:

- (a) the effect of the proposal, having regard to its design and layout, on the character and appearance of the site and the surrounding area; and
- (b) the effect of the proposal on the living conditions of the occupiers of 50 Brighton Road.

Reasons

Design, layout, character and appearance

- 7. Paragraph 56 of the National Planning Policy Framework (the 'Framework') establishes that great importance should be attached to the design of the built environment.
- 8. Numbers 52 and 54 Brighton Road form part of a row of detached houses alongside the wide and spacious highway of Brighton Road. The 2 houses, in common with others in the row, have a distinctive and characterful suburban style and extensive landscaped gardens. Whilst the houses in the row have varied design, and there is some variation in their width, depth, scale and degree of set-back from Brighton Road, the row as a whole has a pleasing sense of rhythm, integrity and spaciousness. The 2 houses contribute substantially to what can justifiably be regarded as a valued townscape.
- 9. As stated by the Appellant the wider area includes some large buildings and commercial uses. Due to their location and the expansiveness of the views along Brighton Road, these influences can be seen from immediately in front of the appeal site. The area also includes some densely developed housing, some of which is accessed off short cul de sacs. These points do not however substantially detract from the contribution that the appeal dwellings and their neighbours in the same row make to the character of the area.
- 10. The appeal proposal would replace the 2 existing houses with a new building (the '9-flat block'), located towards the front of the site, and 2 new buildings located towards the rear of the site.
- 11. The size of the appeal site and the mix of built form in the wider area indicate that there is scope for some new housing development within the site. The frontages of the proposed buildings would have effective design detailing, enhanced by the use of different materials. The frontage of the 9-flat block would not project in front of the building line formed by nearby dwellings, and would be slightly behind the alignment of part of number 56. Substantial side spaces would be retained at each end of the 9-flat block, and a proposed cat slide roof on its northern side would help retain visual separation between it and number 50.
- 12. However, the 9-flat block would be notably wider, deeper and larger than each of its neighbours in the row and the 2 houses which would be lost. The sense of rhythm which is derived from the similarity of width and depth of houses in the row would be disrupted. The gap between the 2 existing houses in the site would be lost. The 9-flat block would appear as being incongruously bulky when viewed for example from nearby gardens and from the access and parking area within the site.

13. Furthermore, due to the extent of the proposed coverage of the site by the proposed buildings, car park and access route, the verdant and spacious character of much of the site would be lost. The new buildings at the rear of the site would dominate its width. Due to the need to protect foundations and hard surfaces from root damage the scope to soften the impact of much of the development by retaining or planting trees would be limited.
14. Whilst the existing buildings are not listed or within a Conservation Area this does not mean that the design of the proposal would not be harmful.
15. I have noted that development of a broadly similar scale to that proposed was allowed on appeal at 18-20 Brighton Road. However, it is not clear that the circumstances relating to that case replicated those relating to the current case for example concerning the pre-existing character of the site and that of immediately adjacent buildings. I have in any event considered the current appeal as I must on its own merits.
16. Having regard to all the points set out above, I consider that the proposal would not achieve the high standards of design and layout which are sought by national and local policy, and would cause material harm to the character and appearance of the site and surrounding area. Its approval would conflict with the relevant provisions of: Policies CS4 and CS10 of the RBLPCS; Policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Borough Local Plan (RBLP) 2005; and the Framework.

Living Conditions within 50 Brighton Road

17. The northern-most end gable of the proposed 3-house block near the rear of the site, which would be 2 storeys in height, would be very close to and highly visible from the adjacent end of the rear garden of 50 Brighton Road. There would also be insufficient space for effective landscape screening to be created between it and the boundary of this neighbouring property.
18. However, the proposed 3-house block would be a substantial distance from the house at number 50 and from the area of garden which is closest to that existing house. Mature trees and shrubbery also exist between the house at number 50 and the site of the proposed 3-house block. The size and massing of the 3-house block as seen from number 50 would be reduced by its hipped design.
19. For these reasons, the proposed development would not cause substantial harm to the living conditions of the occupiers of 50 Brighton Road. It would not conflict with Policies Ho9 or Ho13 of the RBLP insofar as they relate to this issue.

Other Considerations

20. The proposal would lead to the creation of 14 new dwellings within the site, equating to a net addition of 12 units taking account of the loss of the existing houses. This would lead to a more efficient use of the site in terms of dwelling provision. Given the Government's aim of boosting significantly the supply of housing, and although it is not clear that there is a shortfall in the short term supply of housing sites in the area, this would constitute a notable benefit.
21. The planning obligation submitted by the Appellant would secure the payment of an index linked sum of £138,105, if the appeal is allowed, to be used

towards the provision and improvement of affordable housing in the area. This financial contribution is required by Policy CS15 of the RBLPCS, and the obligation indicates that the sum has been calculated in accordance with the Council's Affordable Housing Supplementary Planning Document (SPD) 2014. There is no reason for me to conclude that the obligation would not meet the statutory tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). This contribution would constitute a further notable benefit of the appeal proposal.

22. Whilst the site has a good level of accessibility to public transport and to Banstead town centre, the evidence does not demonstrate that it is unusual in this respect compared to any other potential housing sites in the area.
23. The proposed development would not cause substantial or unavoidable loss of privacy, noise, disturbance or overlooking for the occupiers of neighbouring dwellings, or material harm in relation to crime, health, highway safety, on-street parking, drainage or any other matter. However, these points constitute a lack of harm in relation to these matters rather than substantive positive benefits to weigh in the planning balance.

Planning balance and conclusions

24. I have found that the proposal would not achieve the high standards of design and layout which are sought by national and local policy, and would cause material harm to the character and appearance of the site and surrounding area. Given the resultant conflict with the policies of the development plan and the Framework, these points carry substantial weight against the proposal.
25. In support of the proposal it would lead to a net increase in the number of dwellings within the site of 12 units and a payment to be used towards the provision and improvement of affordable housing in the area. These would constitute notable benefits of the proposal, to which weight must be attached.
26. However, whilst the proposal would not cause material harm to the living conditions of the occupiers of 50 Brighton Road, I have found that it would lead to no other substantive benefits. Furthermore, I am not convinced that the benefits of the proposal, important though they would be, would justify development with the design and layout shortcomings that I have identified.
27. Having carefully weighed the harm and benefits which would arise from the proposal I conclude that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits. As material considerations indicate that permission should be refused, the proposal would conflict with Policy CS1 of the RBLPCS. Whilst the proposal would bring economic and social benefits, due to the harm that I have identified in relation to my first main issue it would not contribute effectively to the environmental role of sustainable development, or constitute sustainable development as a whole.
28. For these reasons I dismiss the appeal.

Jonathan Clarke

INSPECTOR