

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/16/3160204

Brockmere, 43 Wray Park Road, Reigate, Surrey RH2 0EG

- 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 Stackbourne Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 15/02830/F, dated 15 December 2015, was refused by notice dated 7 September 2016.
 - The development proposed is described as 'Extension and refurbishment of Brockmere for use as six apartments, demolition of the existing garage and erection of a Coach House dwelling to the rear of the property; provision of a revised access and parking areas within the site'.
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Decision

1. The appeal is allowed and planning permission is granted for the Extension and refurbishment of Brockmere for use as six apartments, demolition of the existing garage and erection of a Coach House dwelling to the rear of the property; provision of a revised access and parking areas within the site at Brockmere, 43 Wray Park Road, Reigate, Surrey RH2 0EG in accordance with the terms of the application, Ref 15/02830/F, dated 15 December 2015, and the plans submitted with it, subject to the conditions in Annex A to my decision.

Application for costs

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

Procedural Matters

3. Both main parties have confirmed that drawing number 112/72/14a, on which details included in the Appellant's statement were based, had been superseded by drawing number 112/72/14d at the time that the Council made its decision. I have made my decision on the basis of this revised plan.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Wray Common Conservation Area (the 'WCCA'), and the character, appearance and setting of the locally listed building at Brockmere.
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Reasons

5. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the WCCA. In accordance with paragraph 132 of the National Planning Policy Framework (the 'Framework') I have given great weight to this matter.
6. The WCCA contains buildings of a wide variety of ages and styles, focussed around the large open space of Wray Common, some distance to the east of the site. The boundary of the WCCA, within which the appeal site is located, wraps around three sides of the appeal property.
7. The site at 'Brockmere' itself includes a substantial locally listed building, identified as originally being a Victorian dwelling, which is now split into flats. The building is set within extensive and verdant grounds and its design reflects the classical style of a Victorian villa. It has however been subject to alterations. Some parts of the building's elevations, including on its large 'western annexe' are not sympathetically designed. The building is however of substantial, albeit not exceptional, interest and, along with its grounds, makes a notable contribution to the character and appearance of the WCCA.
8. In his decision on appeal reference APP/L3625/A/14/2214550, the Inspector saw no objection in principle to the provision of a new 'coach house' style dwelling towards the rear of the appeal property. However, he also had considerable concerns about the scale, imposing nature and lack of subservience of the 'coach house' dwelling which was proposed. A key consideration is therefore whether the current proposal would adequately address these concerns.
9. The proposed 'coach house' building would occupy a substantial part of the open area at the rear of the building, and thereby reduce the expansiveness of the main building's setting. However it would not be overly prominent in views from the front of the site. Whilst it would have 2 storeys, its ridge and eaves would be at a much lower level than those on the main building.
10. The new building which is now proposed would have a very different appearance to that which was subject to the earlier appeal. The apparent depth of its first floor would be shallower than that of its ground floor. Its ground floor would also have large arched openings which would reflect those which may be found in a converted coach house. The hipped roof would, due to its simplicity of form and shallow pitch, be more appropriate than the previously proposed neo classical roof. Having regard to these factors, I consider that the proposed new building would be suitably designed and achieve a sufficient degree of subservience to the main building.
11. Whilst the proposed extension to the rear of the western annexe on the main building would be quite large, its scale would not be excessive compared to that of the existing building. Its hipped and pitched roof would reflect those on the existing building. Its eaves and ridge lines would also be suitably set down from the equivalent features on the main building. The pattern of fenestration on its rear elevation, which would face outwards over the rear grounds of the property, would be well balanced and integrate suitably with the adjacent part of the original building.

12. The south elevation at the front of the western annexe currently has a chaotic array of different openings. Whilst the proposed windows would not be completely aligned vertically with each other, they would form a more visually balanced arrangement than the current openings. Although two new basement windows on the frontage of the original building would not be reflected by equivalent windows at the other end of this frontage, they would not be particularly prominent. In overall terms the proposals would improve the south elevation of the western annexe. The other alterations to the main building, which include for example the removal of two external fire escapes, would have an acceptable visual effect.
13. The proposed development would lead to there being a denser pattern of development and a substantial amount of change within the site. However, the definition of conservation in the Framework aims to shape change which affects heritage assets so that it sustains their significance. I find that the appeal proposal would be consistent with this approach in respect of the locally listed building and the WCCA.
14. I conclude that the proposal would not cause material harm to the character or appearance of the WCCA or to the character, appearance or setting of the locally listed building. It would not cause material conflict with relevant provisions of Policies Ho9, Ho13, Ho16, Pc10 or Pc13 of the Reigate and Banstead Local Plan 2005 or of the Framework. Allowing the appeal would also be consistent with my statutory duties under Section 72(1).

Other Considerations

15. I have carefully noted the representations which were submitted to the Council, including by local residents, in response to consultation on the application, and that these covered other matters in addition to those which I have addressed above. The additional matters include for example: effect on trees; precedent; overlooking and privacy; the potential for noise and disturbance; effect on private views; overshadowing; need; flood risk and drainage; the potential for inconvenience during construction; traffic generation; parking; crime; effects on wildlife; and the potential for pollution.
16. Section 6 of the Council officer report addresses these points in some detail and I agree with the conclusions which it sets out. There is no substantive evidence before me to justify coming to a different view on these matters.

Conditions

17. The Council suggested a list of conditions to be imposed in the event of the appeal being allowed. My list of conditions in Annex A to this decision is based upon this list albeit with some amalgamations, simplifications and other changes to ensure that they are sufficiently precise, avoid duplication and satisfy the other tests in paragraph 206 of the Framework.
18. My condition 1 sets a standard time limit in accordance with the relevant legislation. My condition 2 specifies the approved plans for the avoidance of doubt. My condition 3, concerning ground levels is needed to ensure that the proposed development has a satisfactory visual relationship with nearby development. My condition 4, concerning materials and other detailing, is needed to avoid harm to the character of the locally listed building and the WCCA. I have revised the Council's suggested condition 4 to require

submission and approval of the required details as this would provide the necessary control within a simplified condition. I have also excluded elements which overlapped with other conditions.

19. My conditions 5 and 10 concerning bin storage and landscaping are needed to preserve or enhance the character and appearance of the WCCA. My conditions 8 and 9 are needed for the same purpose and to ensure that protected trees within the site are not damaged or lost.
20. My condition 6 is needed to ensure that the site is adequately drained. My condition 7, which requires a Construction Transport Management Plan to be implemented, is needed to protect the environment of the area and ensure the safety of highway users. My conditions 11 and 12 are required in the interests of highway safety, whereas my condition 13 is needed to encourage the use of the bicycle as a sustainable mode of transport.
21. My condition 14, requiring some windows to be obscure glazed, is required to ensure satisfactory levels of privacy for occupiers of the development and adjacent areas. I have used revised wording, compared to that suggested by the Council, as it is not clear how the details of the top opening fanlights referred to in the latter would relate to the design of the windows shown on the submitted plans.
22. My condition 15, which removes permitted development rights which would otherwise apply to the proposed detached 'coach house' dwelling, is needed to ensure that the design of this continues to be subservient in scale to and respect the character of the main building and of the WCCA. The exceptional circumstances required, under the Planning Practice Guidance¹, to remove these rights exist in this instance due to the need to meet these requirements.

Conclusions

23. I have found that the proposed development would not cause material harm to the character or appearance of the WCCA or the locally listed building. Its approval would also be consistent with my statutory duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no other matters which outweigh this finding. The proposal would also comprise sustainable development as set out in the Framework.
24. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

Jonathan Clarke

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20140306

ANNEX A

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 approved plans listed in schedule 1.
- 3) No development shall take place until full details of the existing and proposed ground levels and the proposed finished ground floor levels of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown on the approved plans listed in schedule 1, no part of the development shall be commenced until details of the following have been submitted to and approved in writing by the local planning authority:
 - (a) A sample of all proposed roofing materials and ridge tiles;
 - (b) The materials and design of all external doors and windows and their reveals;
 - (c) The finish of all external walls; and
 - (d) The design and materials of all external fascia boards, rainwater goods and any guarding, railings or walls for the proposed light wells or basements.

The development shall be carried out in accordance with the approved details.
- 5) No part of the development shall be occupied until bin storage facilities have been provided in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority. The bin storage facilities shall thereafter be retained in accordance with the approved details.
- 6) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing beforehand by the local planning authority.
- 7) No development shall not commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall show the proposed arrangements for the parking of vehicles by site personnel, operatives and visitors and the loading, unloading and storage of plant and materials. No construction activities shall take place except in accordance with the approved details.
- 8) No tree or hedge which is within or which overhangs the site and which is marked for retention on the approved plans shall be pruned, removed or be subject to other works during construction, or for one year after completion except with the prior written approval of the local planning authority. Any such work which is approved shall be done in accordance with British Standard 3998 'Recommendations for Tree Work'. If any tree

or hedge within the site which is marked for retention is removed, dies, or becomes damaged or diseased within one year of the completion of the development, it shall be replaced before the expiry of one calendar year by tree/s or hedge/s to a planting specification to be agreed in writing beforehand by the local planning authority.

- 9) No development shall commence including any groundworks, demolition or other preparatory works until: (i) tree protection measures have been implemented in accordance with the approved Tree Protection Plan and Arboricultural Method Statement compiled by Simon Jones Associates (drawing number TPP 16012-01 dated March 2016); and (ii) a scheme for the supervision and monitoring of the tree protection measures is in place, in accordance with details which have been agreed in writing beforehand by the local planning authority. The approved measures shall remain in place for the duration of the proposed construction period.
- 10) No development shall commence until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) the positions, design and materials of all existing and proposed boundary treatments;
 - ii) vehicle parking layouts;
 - iii) other vehicle and pedestrian access and circulation areas;
 - iv) hard surfacing materials;
 - v) planting plans (including a specification for the methods to be used to establish any tree, shrub, hedge or grass area(s));
 - vi) an implementation programme; and
 - vii) details of how the landscaping would be subsequently maintained.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be subsequently maintained in accordance with the approved details.

- 11) The development hereby approved shall not be occupied until: (i) the existing vehicular accesses from the site to Wray Park Road have been permanently closed and the associated kerbs, verge and footway have been reinstated; and (ii) the proposed vehicular/pedestrian/cycle access to Wray Park Road has been constructed and provided with visibility zones, all in accordance with details which have been approved in writing beforehand by the local planning authority. The visibility zones shall thereafter be kept permanently clear of any obstruction measured from 0.6m above the road surface.
- 12) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles so that they may enter and leave the site in forward gear. The parking and turning areas shall thereafter be retained and maintained for their designated purposes.
- 13) The development hereby approved shall not be occupied until facilities for the secure parking of bicycles within the site have been provided in accordance with details to be submitted to and approved in writing by the

local planning authority. The bicycle parking facilities shall thereafter be retained for their designated purpose.

- 14) The proposed upper floor windows (above ground floor level) in the western elevation of the proposed extension and the western and eastern side elevations of the detached dwelling hereby permitted shall be glazed with obscured glass in accordance with details to be submitted to and approved in writing beforehand by the local planning authority, and shall be maintained as such at all times.
- 15) 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 development within Classes A, B or C of Part 1 of Schedule 2 of that Order shall be carried out.

SCHEDULE 1) – LIST OF APPROVED PLANS REFERRED TO IN CONDITION 2

Plan Type	Reference	Version	Date received
Location Plan	UNNUMBERED		15.12.2015
Survey Plan	948/1272/01	A	15.12.2015
Floor Plan	112/72/2		15.12.2015
Floor Plan	112/72/4		15.12.2015
Arboricultural Plan	SJA TCP 12092-01		15.12.2015
Floor Plan	0948/1272/02	A	15.12.2015
Floor Plan	0948/1272/04	A	15.12.2015
Elevation Plan	0948/1272/06	A	15.12.2015
Elevation Plan	112/72/6		15.12.2015
Floor Plan 1	12/72/3		15.12.2015
Floor Plan	0948/1272/05	A	15.12.2015
Floor Plan	0948/1272/03	A	15.12.2015
Floor Plan	112/72/9	C	15.12.2015
Floor Plan	112/72/10	D	15.12.2015
Floor Plan	112/72/5		15.12.2015
Section Plan	112/72/7		15.12.2015
Site Layout Plan	12/72/1		15.12.2015
Elevation Plan	112/72/11	E	15.12.2015
Arboricultural Plan	SJA TL 12002-01		15.12.2015
Site Layout Plan	112/72/8 J		09.06.2016
Combined Plan	112/72/14	D	09.06.2016