

Appeal Decision

Site visit made on 1 December 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/L3625/W/16/3154295

294-300 Fir Tree Road, Epsom Downs, Surrey KT17 3NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Brookworth Homes Limited against the decision of Reigate & Banstead Borough Council.
 - The application ref: 16/00417/OUT, dated 19 February 2016, was refused by notice dated 16 May 2016.
 - The development proposed is demolition of nos. 296 and 298 Fir Tree Road and erection of 6 detached dwellings with access obtained from Fir Tree Road, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline, but includes details of access and layout for consideration now. Scale, appearance and landscaping are reserved matters for future consideration.
3. In response to the Council's second refusal reason, concerned with the adequacy of access and turning arrangements for large vehicles, a revised Highway Statement has been submitted with the appeal. It includes a swept path analysis intended to demonstrate the adequacy of the layout in such respects. The Highway Authority has confirmed in writing that the analysis addresses its concerns. Given also that any necessary fine tuning could be secured by condition, there is no need to consider this matter any further.
4. In its appeal submissions the Council has confirmed that it will not be pursuing the third refusal reason relating to provision for a contribution towards affordable housing. In these circumstances there is no need for me to consider whether a contribution should be required or to take into account the unilateral undertaking submitted for this purpose.

Reasons

5. Given the above matters there is only one **main issue** in this case, namely the effect of the proposed development on the character and appearance of the surrounding area, including whether or not it would amount to an overdevelopment of the site.
 6. The irregularly-shaped appeal site comprises one frontage plot and other land from several neighbouring properties, in a suburban residential area
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characterised mainly by substantial dwellings on generous plots. In this long-established residential area the spaciousness between and around dwellings together with mature trees and other garden planting contributes to its pleasant character and appearance.

7. The Council acknowledges that additional housing development in such a location is acceptable in principle. Key development plan policies, in terms of assessing the effects of a specific development proposal such as this one on an area's character, are saved Policies Ho9 (Design and Layout), Ho13 (Maintenance of Character and Amenity) and Ho14 (Development involving back garden land) of the Reigate & Banstead Borough Local Plan (LP) (2005). The Council's Local Distinctiveness Design Guide (LDG) (2004) includes further design guidance on proposals for infill development.
8. The various criteria in these three LP policies include requirements to 'conform' to, and to maintain, the pattern of development in the surrounding area. Proposed plot sizes and spacings between buildings are expected to reflect those which predominate in the area. Whether that will always be realistic in practice is questionable, given that infill and especially backland development of rear garden land will inevitably change an existing pattern of development to some extent.
9. In any event there have already been several intensification schemes in the appeal site locality in the form of new culs-de-sac serving groups of houses in backland positions¹, such that these also form part of the area's character. However in most of these instances, including close to the appeal site, their access roads run through reasonably generous corridors, allowing for grassed margins and/or planting alongside them. The resultant effects on the existing street frontages generally accord with Policy Ho14(v) which seeks to ensure access roads to backland developments do not create undue disruption to the character and appearance of an existing road frontage.
10. In this case however the combination of an irregularly-shaped frontage plot and a layout with a sizeable replacement house on the frontage is such that the new access road would occupy most of the space between the side wall of the new house and the existing adjacent house at no. 300. I note the intention to offset the loss of trees alongside the new access road by planting new heavy standard trees along and around it. However, given the practicalities of day-to-day use and maintenance of the development's access, parking and turning areas, I have serious reservations about the feasibility of such planting, especially along the road's initial entrance section.
11. Thus I find that introducing a new access road occupying most of the space between the replacement house and no. 300 would be a harmful disruption to the character and appearance of an existing road frontage. Similarly the large expanses of hard surfaced areas for turning space and driveways² within the development layout would be a dominant and visually unattractive feature of the scheme, notwithstanding the proposed new planting. That aspect of the scheme would also be detrimental in terms of appearance and visual amenity.
12. Bearing in mind the contribution that mature trees and garden planting contribute to this area's character it is also relevant that, despite loss of trees within the site, some large trees around its boundaries would be retained. That

¹ Including two nearby developments allowed on appeal, by separate decisions dated 10 October 2013 – appeal refs: APP/L3625/A/13/2197425 & APP/L3625/A/13/2197159

² Including a substantial area of driveway to serve a detached triple garage for the existing house at no. 294

- is important to minimise the development's visual impact and would help to integrate it into its surroundings.
13. Retaining trees in the site's north-east corner would provide some screening between new dwellings, most notably the corner dwelling (Plot 2 on the layout plan), and existing houses and gardens in 'Rose Bushes' (to the east and at a significantly lower level). However the retention of those trees combined with the irregular site shape and the positions of adjacent buildings³ would result in the Plot 2 dwelling appearing squashed into the corner of the group of new buildings (notwithstanding its side and rear garden areas). That would be a cramped arrangement of built forms, amounting to overdevelopment which would detract from the area's characteristic spaciousness.
 14. In addition trees in such close proximity to the Plot 2 dwelling would be dominant features at that property, possibly affecting light to and outlook from it and leading to pressure to reduce or remove them, to the detriment of the area's character and appearance. Whether or not such adverse effects would occur cannot be assessed at this outline stage but the potential difficulties in avoiding them are another indicator that the layout proposed for this part of the site would amount to overdevelopment.
 15. I have taken into account the appellant's calculations of the number of dwellings per hectare (DPH) for fourteen infill/backland developments in the wider locality. That exercise indicates the appeal scheme's DPH would be at the lower end of the range, such that the appellant maintains the scheme could not be considered as overdevelopment. I have no reason to dispute the figures but numerical density is only one of many considerations that may be relevant in assessing a proposal's impacts.
 16. In this case the effects of the particular combination of the site's constraints in terms of its shape, the number, footprint size and siting of buildings and the resultant large expanses of hard surfaced areas are more significant factors than the density figure. Those factors indicate that, despite adequate private garden areas and spacing between the houses on Plots 2-6, other elements of the layout would amount to overdevelopment harmful to the area's character and appearance.
 17. On the main issue therefore I conclude the appeal scheme would harm the area's character and appearance. It would not amount to the high quality design that the saved LP policies and policy guidance in the *National Planning Policy Framework* seek to achieve.
 18. I have borne in mind that the scope through reserved matters submissions and/or conditions to address any overlooking of houses and gardens in Rose Bushes; that the scheme has some support from occupiers of Rose Bushes; that it would be acceptable in other respects. I have also had regard to the benefits of the scheme in making more efficient use of land in an accessible location. Even so, neither the scheme's benefits nor any other matter raised is sufficient to alter or outweigh my conclusions on the main issue. Overall therefore I conclude the proposed development would conflict with the development plan and with the *Framework* and thus the appeal must fail.

Jane Miles

INSPECTOR

³ The proposed detached triple garage and the house on Plot 3