
Appeal Decision

Site visit made on 31 January 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/L3625/W/16/3161954

Rear of 11 Massetts Road, Horley, Surrey, RH6 7PR

- 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 Nick Patel (Pinkess Associates Ltd) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/01581/F, dated 8 June 2016, was refused by notice dated 17 October 2016.
 - The development proposed is the redevelopment and change of use of the existing B2 building, and development of two three storey residential buildings providing 10 new flats with parking at ground level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to outlook, sunlight and daylight, and privacy.

Reasons

Character and appearance

3. The appeal site is located behind a row of existing buildings fronting Massetts Road and is accessed via a narrow roadway between 3 and 9 Massetts Road, between two buildings. The main part of the site is presently occupied by a vehicle repair workshop and associated outdoor parking area. As well as the aforementioned Massetts Road buildings bordering the site to the north-west, and similar buildings fronting Victoria Road which border the site on its north-eastern edge, the site is adjoined by the car park of a police station to the south-west. A large-scale residential development, Sovereign Place, is currently being constructed immediately to the south-east of the appeal site.
 4. The proposed development comprises of two separate three-storey buildings which would be located adjacent to the site's south-western and south-eastern boundaries, both arranged to face onto a central vehicle manoeuvring area,
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- parts of which would also be landscaped as communal garden areas. Parking spaces would be situated on the ground floor level of block B.
5. Development within the surrounding area is representative of a typical town centre character, with a fine urban grain. However, unlike the larger scale development of Sovereign Place, and other new developments within Horley town centre that benefit from a direct street frontage, the appeal scheme would be constrained inside an enclosed, 'backland' site. This is not representative of the predominant development form within the area, and as such, the proposed scheme out of character with the surrounding pattern of development.
 6. I acknowledge that the proposed flats would be concealed from street view, and that they would have an appearance that would reflect other new development within the area. Despite this, I am concerned that the layout and relatively high density of the proposed scheme would lead to cramped conditions for future residents, given the site's constrained location and proportions. Unlike the similar high-density, town centre schemes within the surrounding area, which balance their built form with open areas to allow 'breathing space', the intended positioning of the proposed blocks against the site boundaries, their large footprints relative to the size of the site, and the overall residential density proposed, would result in the minimal provision of open space around the buildings and available to future residents. As such, the development would result in a cramped design and layout which would conflict with the established character and appearance of the surrounding area.
 7. I therefore conclude that the proposed development would harm the character and appearance of the area. It would conflict with the Council's adopted *Local Plan* (2005) Policies Ho 9 and Ho 13, which together require development to be designed to reinforce local distinctiveness and maintain the character of the area, amongst other factors. I have also had regard to the *Reigate and Banstead Local Distinctiveness Design Guide* (2004) in reaching my decision.

Living conditions

8. Both of the proposed blocks would be three stories in height, and although there would be some recessed, setback areas on the upper floors, much of the buildings' massing would adjoin or be immediately adjacent to the site's boundary. Most of the proposed flats would be designed to enable outlook from the main rooms towards the shared communal and vehicle area at the front of the blocks. I have considered the Council's concerns regarding mutual overlooking between the proposed flats in blocks A and B and acknowledge that whilst there would be some infringement of privacy of occupiers of these flats, the oblique angle of views between the blocks would restrict this to those areas closest to windows.
9. The layout of the flats which do not face into the communal area is a significant concern. Specifically, flats 2 and 4 in block B would be reliant solely on boundary-facing windows. Because of their close proximity to the site edge, some would have their outlook restricted by adjacent high and obscure balustrades, or overlook the immediately adjacent roof of buildings within the Sovereign Place development. Similarly, within block A, the primary openings to the main living/kitchen rooms of all flats would be subject to similar constraints or, at best, look into a small external courtyard area. The restriction of outlook and the positioning of main room openings so close to site

boundaries also has implications for the amount of direct sunlight and daylight able to penetrate these rooms. Accordingly, these factors combined would result in a poor living environment for future occupants.

10. A further concern is the outlook of neighbouring residents of the Sovereign Place development. Although still under construction at the time of my visit, I noticed that the some flats within this development will have their main outlook orientated towards the appeal site. The three-storey scale of the proposed development, its siting, and its bulky massing on the external boundaries, would lead to the enclosure of the small amount of space between the neighbouring flats and the appeal site, and also result in significantly overbearing and obtrusive built form which would be significantly harmful to the living conditions of the occupiers of these flats.
11. I therefore conclude that the proposed development would not provide satisfactory living conditions for future occupiers, with particular regard to outlook, sunlight and daylight, and privacy. It would conflict with Local Plan Policies Ho 9 and Ho 13, which together require development to not seriously or unreasonably affect the amenities of adjoining properties. Although the Council additionally referred to Policy Ho 18 in regard to this issue, this policy is for the conversion of existing buildings and as such, I do not consider it to be relevant in this instance.

Other issues

12. I acknowledge that the appeal scheme has been significantly reduced in scale in comparison to a scheme previously considered and refused permission by the Council. However, given the serious concerns that I have set out above, I do not agree with the appellant's assessment that the Council's consideration of the scheme was inadequately balanced. Whilst I agree there would be benefits in redeveloping this brownfield site, particularly with regard to its sustainable town centre location, these benefits do not outweigh my concerns.

Conclusion

13. The proposed development fails to comply with the adopted development plan for the area, and it does not therefore meet the definition of sustainable development, for which the *National Planning Policy Framework* has a presumption in favour. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR