
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/16/3160976

Green Corner, Dorking Road, Walton On The Hill, KT20 5RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Turnbull Land Ltd against Reigate & Banstead Borough Council.
 - The application Ref 16/01286/F, is dated 26 May 2016.
 - The development proposed is demolition of the existing house and erection of two detached houses with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and the erection of two detached houses with associated access and parking at Green Corner, Dorking Road, Walton On The Hill, KT20 5RX in accordance with the terms of the application, Ref 16/01286/F, dated 26 May 2016, subject to the conditions set out in Annex A of this decision.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site accommodates an existing detached house, which externally appears similar to a bungalow with some accommodation in the roof space. Access to the site is via a narrow roadway located outside the site boundary, and which traverses a heavily vegetated strip of land separating the site from Dorking Road. The site has a pronounced slope downwards from south to north, and is bounded to the north and west by detached and semi-detached houses laid out along cul-de-sacs. To the south, the site abuts a two-storey building with roof accommodation which is set in hard and soft landscaped grounds and used as residential flats.
4. This site is the subject of a recent appeal decision which also included the demolition of the existing house, but proposed its replacement with three dwellings¹. In deciding the issue of that proposal's impact on the character and appearance of the surrounding area, the Inspector considered that the layout

¹ Appeal ref: APP/L3625/W/15/3135169; decision date 4 April 2016.

and size of the proposed dwellings and their lack of surrounding space would have been out of character with the otherwise sylvan nature of the site and adjoining land, and that this would have resulted in a cramped appearance. The status of the Tree Preservation Order, Area of Great Landscape Value (AGLV) and Green Belt designation on land adjoining the appeal site has not changed in the period between the previous appeal decision and the current appeal before me. I agree with the previous Inspector's assessment of the character of the site but also consider that it acts as a transitional barrier between the suburban and semi-rural character areas.

5. The current proposal incorporates the development of two detached houses, each with a frontage facing Dorking Road and accessed via a central driveway with parking provision. Although the dwellings would be two storeys, much of the first floor of each dwelling would be accommodated inside a tall pitched roof space. The dwellings would be positioned close to the north and south boundaries of the site, separated by a gap similar in width to that of the access roadway. Rear garden spaces would also be provided.
6. Unlike the previous scheme, the current design would allow sufficient space around the buildings to provide a suitable transition between the two different character areas, by retaining space for the retention of vegetation on the site, and on adjoining sites. Additionally the separation of the two proposed dwellings, coupled with their roof design, would provide a gap through which views across the site, between the dwellings, would be retained. The proposed dwellings would be visible from Dorking Road and surrounding sites, and present a larger scale of development than the existing dwelling. However, in common with the development on the adjoining site to the south, the proposed development would retain much of the site's existing character, and ensure that the character of the adjoining sites would not be significantly harmed.
7. The contemporary design of the adjoining development to the south would also be reflected in the proposed appearance of the dwellings. I acknowledge the Council's concerns in regard the flank elevations of the proposed dwellings. However, having visited the site during the winter, when leaf cover on the surrounding sites is sparse, the still significant amount of existing vegetation between the site and Dorking Road will prevent all but glimpsed views of the dwellings from this part of the public realm. The proposed elevations that would face nearby dwellings are suitably detailed and appropriately positioned to provide visual interest, and not significantly harm the outlook or level of enclosure of neighbouring occupiers. I have also taken into account the Council's comments regarding the amount of hard landscaping and its potential effect on the appearance of the site, but consider that suitable materials could be chosen as part of a sensitive landscaping scheme, which would preserve the site's character.
8. I therefore conclude that the proposed development would not have a harmful impact on the character and appearance of the area. It would not conflict with the adopted *Reigate and Banstead Borough Local Plan* Policies Ho 9, Ho 13, and Ho16, which together require high quality development that is appropriate in its context and preserves the character of the surrounding area.

Other issues

9. I have taken into account the comments of surrounding occupiers, several of whom are concerned about the impacts of the proposed development. Some of

these, such as the effects of construction and potential damage to trees that are to be retained, can be addressed through by the provision of suitable conditions. I have also assessed the impact that the development would have on the living conditions of surrounding occupiers but, notwithstanding my consideration of outlook in the previous section of this decision, believe that there would be a sufficient distance and suitable changes of ground levels between the proposed and existing dwellings to ensure that there would be no undue loss of privacy or significant effects on the amounts of sunlight and daylight reaching habitable rooms.

10. I acknowledge that some existing trees would be removed, in addition to those removed previously from the site, but consider that a suitable landscaping scheme could mitigate the minor detrimental impact that their loss would have on the character and appearance of the site. The proposed parking provision is in line with Council requirements, and I have noted the comments of the County Highway Authority that the post development is considered acceptable in highway safety terms. Concerns about the impact of the proposal on the value of adjoining properties have also been raised, but in line with the advice given by the *Planning Practice Guidance* (PPG)², this is not a material planning consideration and as such, it has minimal weight on my decision.
11. The *National Planning Policy Framework* sets a presumption in favour of sustainable development. Having balanced the weight of all concerns put before me against this consideration and the lack of conflict with the adopted development plan for the area, they are not sufficient to justify a dismissal of the appeal.

Conditions

12. The Council has specified conditions which I have considered in light of the tests set out in the PPG. Condition 2 is required in the interests of proper planning and for the avoidance of doubt, and to ensure that the development is built in accordance with the approved plans. Conditions 4 through 8 are required to preserve the character and appearance of the area, with a condition also required to enable suitable ground levels that would preserve the living conditions of surrounding occupiers. Likewise, conditions 10 and 11 are required to preserve living conditions, and conditions 9 and 10 are necessary to ensure that the development would not have a harmful impact on highway safety.
13. I have considered condition 3 against the PPG's advice on imposing restrictive conditions of this type³. However in this case, given the site's proximity to AGLV and Green Belt land, I have exceptionally included the condition in the interests of preserving the special character of these areas. In reference to the same PPG advice, I have declined to include the Council's suggested condition referring to the provision of additional windows, as the separating distance between the proposed dwellings and existing dwellings, as well as the location of existing vegetation, is sufficient to ensure retention of existing privacy. As such, the condition is unnecessary.

² PPG reference ID: 21b-008-20140306; revision date: 6 March 2014.

³ PPG reference ID: 21a-017-20140606; revision date: 6 March 2014.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G J Rollings

INSPECTOR

ANNEX A: LIST OF 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 following approved plans: 916:1061/PL100; 916:1061/PL101; 916:1061/PL102; 916:1061/PL103; 916:1061/PL104; 916:1061/PL105.
- 3) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) Order 2015* (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A and B, of Part 1 of the Second Schedule of the 2015 Order shall be constructed (other than those expressly authorised by this permission).
- 4) No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until written details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 6) The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the development hereby permitted, and maintained as such thereafter.
- 7) No development shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the *Tree Protection Plan and Arboricultural Method Statement* compiled by Canopy Consultancy Consultants on drawing number 15-291- Rev b TPP, dated 25 May 2016.
- 8) No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the

retention of existing landscape features has been submitted and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837 'Trees in relation to construction'. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

- 9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purposes.
- 10) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (i) parking and turning for vehicles of site personnel, operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials
 - (iv) a programme of works (including any measures for traffic management)
 - (v) measures to prevent the deposit of materials on the highwayhas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 11) The first floor windows in the north and south side elevations of the development hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.