
Appeal Decision

Site visit made on 27 March 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/L3625/W/16/3166361

Land at 32-40 Nork Way, Banstead SM7 1HW

- 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 Denton Homes Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/022298/F, dated 4 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is the erection of 8 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on neighbours and the character of the area.

Reasons

Effects on neighbours

3. The Council has not raised any specific concerns in relation to this issue but a considerable number of residents set out their concerns. The proposal would be accommodated very largely in what are currently rear gardens of houses on Nork Way, which abut other rear gardens including those of a number of houses on Green Curve.
4. Proposed plot 5 would accommodate a detached house sited with its flank wall a very short distance from the rear garden boundary of No 40 Green Curve. This would span the great majority of the rear garden boundary and would appear obvious and intrusive when viewed from the garden area of No 40. I was able to gain access to the rear of No 40 at my site visit and conclude that the proposal would appear unacceptably overbearing, particularly when viewed from within the rear garden. I have taken account of the generous size of the garden at No 40 Green Curve but find that this does not mean that the residents would not be unacceptably affected when using parts of the garden.
5. In relation to overlooking, I note that this was a specific concern in relation to a previous appeal. In contrast to a previous scheme the house on plot 1 would be set at an angle to the boundary with No 54 Green Curve. Whilst this may

reduce overlooking, I still consider that there is a prospect of unreasonable overlooking of the garden at No 54 from the main rear elevation of plot 1.

6. In relation to this issue, I consider that the proposal would appear overbearing and would give rise to the potential for unreasonable levels of overlooking, contrary to Policies CS1 and CS4 of the Core Strategy and Policies Ho9, Ho13 and Ho14 of the Local Plan. In reaching this conclusion I have had particular regard to the conclusions of my fellow Inspector when determining the 2 appeals, Refs APP/L3625/W/16/3145418 and 3145419. I note that there were some matters which were not concluded upon and it seems to me that some issues relating to overbearing impacts could have been within this category.

Character of the area

7. The surrounding area consists mainly of detached and semi-detached houses set within garden areas that vary from medium sized to large and generous. The original development is in a linear form fronting the roads, although I noted a number of examples similar to the proposal wherein large gardens have been used to create cul de sacs of houses in these 'backland' areas.
8. The Council's policies seek to secure development that maintains and enhances the built environment and is of a high quality which takes direction from the existing residential environment. Although I note that a number of the existing houses have relatively small gaps between them, in many instances these are where single storey elements are at the sides of the houses and they are in situations which combine generous front and rear gardens on wide plots. The proposal before me proposes much smaller front and rear gardens on narrower plots and where the distances between dwellings, particularly between plots 5 and 6, are very small.
9. The Council refers to its SPG in relation to gaps between dwellings and states that 2m is seen as the minimum; they add that whilst the walls would be this distance apart on plots 5 and 6, the eaves would be closer. The appellant states that the SPG is intended for extensions and not for new dwellings. In my view the SPG gives an indication of what may be acceptable and whether it refers to extension specifically it may offer a broad indication of what the Council see as a minimum distance. I consider that within this area the distances between dwellings may reasonably be expected to be more than the minimum envisaged by the Council. Within the context that I have set out and in a proposal that displays none of the other attributes (ie generous front and rear gardens and wide plots) the distance between the houses on plots 5 and 6 would be particularly narrow and would be out of character. In this way I find that the proposal would harm the character of the area and would be contrary to Policies CS1 and CS4 of the Core Strategy and Policies Ho9, Ho13 and Ho14 of the Local Plan.

Conclusion

10. I have taken account of the previous schemes and to the differences between them and the one now before me; the identical situation has not been presented in the previous appeals and I have found harm arising from certain aspects of the proposal. I have also taken account of the officer's recommendation to approve the scheme but I have found merit in the Council's reason for refusal and in some aspects of the neighbours' comments. I have

taken account of all other matters but find nothing to alter or add to my conclusions. Therefore, for the reasons set out above, the appeal is dismissed.

S T Wood

INSPECTOR