
Appeal Decision

Site visit made on 10 April 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 19th April 2017

Appeal Ref: APP/L3625/W/17/3167376

Rear of 17-23 Church Road, Horley RH6 7EY

- 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 L Rawlings of Breeze Homes Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02285/F, dated 30 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is demolition of No 19 Church Road and the erection of 9 new detached dwellings on land to the rear of 17-23 Church Road and 58-60 Massetts Road, Horley, with access from Church Road, together with car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on the:
 - a) character and appearance of the area;
 - b) living conditions of the occupants of properties in Pine Gardens in relation to outlook, noise and disturbance.

Reasons

Character and appearance

3. The appeal site lies to the rear of Nos 17-23 Church Road and Nos 58-60 Massetts Road, all of which are large detached dwellings set in substantial plots with long rear gardens. The proposal would involve the demolition of No 19 and its replacement with a smaller dwelling in order to allow for the construction of a new access which would serve a total of eight new detached dwellings.
 4. Nos 15-23 Church Road are a group of double fronted Edwardian Villas. All are set back from the street behind a grass verge. The front gardens are either enclosed by low walls, hedges or other vegetation, which soften the area's appearance. However, most of the front gardens have been paved to create parking areas leaving little or no vegetation immediately surrounding the properties.
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5. The proposed access would result in the loss of the existing hedge along the roadside boundary of No 19 and, in all probability, a section of the hedge along the shared boundary with No 17. A gap would be opened up between the flank walls of the replacement dwelling and that of No 17. The width of the access would restrict the amount of space available for providing landscaping in the future. However, as built form currently dominates the front gardens it seems to me that, subject to agreeing the details of a landscaping scheme, the appearance of this part of Church Road would not be unduly harmed.
6. The replacement dwelling would be significantly narrower than the existing and adjacent dwellings. However, the gap between it and No 21 would replicate the separation between the two existing dwellings and the front elevation would respect the existing staggered building line. I am therefore not persuaded that the proposal would appear cramped or result in material harm to the character of the area. In coming to this view I have had regard to several other local schemes which were brought to my attention, although I consider none of them to be directly comparable with the appeal proposal.
7. I will now move on to consider the layout of the proposed eight new dwellings at the rear of the site. The part of the site which is currently the rear gardens of Nos 58 and 60 lie within the Massetts Road Conservation Area. In assessing the proposal I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area.
8. Massetts Road is characterised by large villas set in generously proportioned plots. Trees and mature vegetation also contribute to the Conservation Area's sylvan appearance. There are trees within the site that are the subject of a Tree Preservation Order (TPO); others are protected by virtue of their location within the Conservation Area. The proposal shows that the tree screen to the rear of No 17 would be retained and no trees within the TPO would be lost. The arboricultural report identifies areas that would require protection to prevent harm to other protected trees near the boundaries. The trees that would be felled are not considered to be of high value and new planting would be provided on the site's southern boundary to the rear of Nos 58 and 60.
9. The site is not visible from the wider Conservation Area. Subject to the maintenance of the existing tree screen and the strengthening of the landscaping on the southern boundary neither the conservation officer nor the tree officer raised any objection to the scheme. I therefore see no reason to disagree with their assessment that the proposal would not result in harm to the Massetts Road Conservation Area.
10. However, the internal layout of the development would be dominated by built form, hard-surfacing and provision of parking areas. This would limit the space for landscaping and planting within the front gardens. Whilst I accept that the areas in front of the properties in Church Road are predominantly hard surfaces, these areas are generously proportioned and provide the area with a sense of openness. Moreover, the rear gardens are large resulting in spacious relationships between the existing dwellings and their respective plots.
11. By contrast the proposal is for good sized, four/five bedroom dwellings, set in small plots with limited space in front of the properties and small rear gardens. The layout to the west of the hammerhead would include seven houses, five of which would have integral garages. In addition there would be a double garage and thirteen parking spaces set around a shared driveway with a limited

amount of space in which to manoeuvre vehicles. To my mind this would not only restrict the area available for planting but would also make the development appear cramped and enclosed. I therefore consider that it is an attempt to squeeze more development onto the site than can be accommodated in a manner that is compatible with the surrounding area.

12. No details of the adopted parking standards that should be applied to the development were provided. The highway authority has not raised any objection to the proposal, subject to the imposition of various conditions relating to the access and provision of parking spaces as shown on the submitted plans. However, it made no specific observations about the number of spaces that were proposed. I am therefore unable to suggest an appropriate condition reducing the number of parking spaces within the submitted scheme, even if this could increase the area available for landscaping.
13. Taking all these factors into consideration, I conclude that the proposal would be harmful to the character and appearance of the area, notwithstanding my view that the Massetts Road Conservation Area would be preserved. The proposal would therefore be contrary to saved Policies Ho 9, Ho 13, Ho14 and Ho 16 of the Reigate and Banstead Local Plan (Local Plan) which, amongst other things, requires development involving back garden land to respect the pattern and form of development in the surrounding area.

Living conditions

14. The shallow rear gardens of Nos 12-20 Pine Gardens back onto the appeal site. The flank wall of the house on Plot 2 would be close to the shared boundary with Nos 14 and 16. The height and width of this flank wall and the bulk of its roof would introduce an unacceptable sense of enclosure into the rear of these adjoining houses and their gardens. The proposed dwelling would therefore appear overbearing, dominating the outlook from these houses and, to a lesser extent, from Nos 12, 18 and 20.
15. The eastern section of the hammerhead would be close to the rear boundary of No 20. However, this part of the access would only directly serve Plot 2 as most of the manoeuvring of vehicles associated with the other dwellings would take place further west and within the shared driveway. Considered in isolation, I am therefore not persuaded that this would give rise to unacceptable noise or disturbance for the occupiers of No 20.
16. No 20 was originally at the end of a cul-de-sac. However, new dwellings have been constructed to the rear of Nos 52, 54 and 56 Massetts Road and the access to them passes close to the southern boundary of No 20. The proposal would result in No 20 being surrounded by access driveways on three sides. This could result in a perception of disturbance, especially for anyone using the rear garden. However, the number of movements is likely to be small and it seems to me that the harm could be mitigated through a robust boundary treatment, if the development was acceptable in all other respects.
17. However, for the reasons set out above, I conclude that the proposal would be an unneighbourly and visually obtrusive form of development that would be harmful to the living conditions of occupants of Nos 12-20 Pine Gardens, arising from unacceptable loss of outlook. It would therefore be contrary to saved Policies Ho 9 and Ho 14 of the Local Plan which require development not to seriously affect the amenity of occupants of existing properties.

Conclusions

18. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site is within the built-up area of Horley and there is therefore no objection in principle to a residential development on the site, provided this can be achieved without harm to the local environment.
19. The proposal would provide an additional eight dwellings which would contribute towards the delivery of housing in the borough. The houses would provide satisfactory standards of internal accommodation for future occupants. The scheme would not result in loss of privacy for occupants of any of the neighbouring properties and I am satisfied that noise and disturbance arising from additional traffic movements could be adequately mitigated. I have found that the access would not be harmful to the character or appearance of the existing road frontage on Church Road. The scheme would also provide for the retention of protected trees and the replacement of others could be secured by condition. This would ensure that the Massetts Road Conservation Area would be preserved. All these factors weigh in the scheme's favour.
20. However, I have concluded that the proposed layout of the rear of the site would be dominated by the hard surfacing needed to provide for the parking and manoeuvring of vehicles. Consequently, the proposal would be a cramped form of development with insufficient provision of landscaping to soften the appearance of the scheme as a whole. It would therefore fail to integrate satisfactorily into the surrounding area. In addition I have found that the house on Plot 2 would result in an unacceptable loss of outlook for occupiers of dwellings in Pine Gardens.
21. These harms would significantly outweigh the benefits that would accrue from the provision of the additional homes. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR