

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/17/3167589

Nos 13-19 Shawley Way, Epsom Downs KT18 5NZ

- 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 Gilbert Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02395/F, dated 13 October 2016, was refused by notice dated 17 January 2017.
 - The development proposed is erection of five detached dwellings following demolition of existing house.
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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 adjoining occupiers in relation to outlook, visual intrusion and noise and disturbance.

Reasons

3. Shawley Way is part of an established residential area predominantly characterised by two-storey detached dwellings set in good sized plots with long rear gardens. The dwellings exhibit considerable variety of style and use of materials. However, they are all set well back from the street and are surrounded by mature gardens.
 4. The appeal site is situated on the northern side of Shawley Way just to the west of its junction with Garlichill Road. It comprises the entire plot of No 19 and part of the long rear gardens of Nos 13, 15 and 17. The proposal is to demolish No 19, one of the few bungalows in the area, and replace it with a two-storey dwelling whilst also permitting the construction of an access driveway that would serve a further four two-storey detached dwellings.
 5. The replacement two-storey dwelling on the site of the existing bungalow would be narrower than the adjacent properties and occupy a plot that would also be significantly narrower than the adjacent plots in Shawley Way. The width of the building and its plot would fail to respect the regular and more generous spacing of the houses in this part of the street. It would therefore appear discordant and out-of-keeping with the surrounding development.
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6. Although backland development is not a characteristic of the immediately surrounding area, there are examples of such development within the wider residential area. A number of such schemes have been brought to my attention. However, from the details presented, I consider them not to be directly comparable with the appeal proposal due to material differences in the access arrangements, numbers of dwellings and the layouts of the individual proposals. Therefore, although I have had regard to these other schemes, I have determined the appeal proposal on its individual planning merits.
7. Nos 13-19 all have long back gardens, the rear parts of which appear to be under-used. The proposal would therefore make more effective use of the land. The layout would reflect the width of the existing plots and provide the proposed dwellings with rear gardens of a reasonable size. However, the front of the houses would be dominated by the access driveway and hard-surfacing leaving only small areas available for landscaping.
8. The area in front of the house on Plot 2 would appear to be entirely devoted to providing access to the attached double garage. Part of the area to the rear of the houses on Plots 3 and 4 would be occupied by the garages and parking space, further limiting the opportunities to soften the appearance of the development. This suggests to me that the scale and footprints of the proposed dwellings would be too large to be accommodated satisfactorily within their respective plots. Consequently, the development as a whole would appear cramped and would not reflect the more spacious layout that characterises the dwellings in the surrounding area.
9. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area, contrary to saved Policies Ho 9, Ho 13, Ho 14 and Ho 16 of the Reigate and Banstead Local Plan (Local Plan). These policies, amongst other things, require development to be compatible with the surrounding area.

Living conditions

10. The Council's decision notice refers to the effects of the proposal on the living conditions of occupants of only two properties. Firstly, the occupants of No 11 immediately to the west of the site, and secondly the future occupiers of the proposed replacement dwelling. However, representations have been made by neighbours who abut the site on its eastern and northern sides, namely No 21 Shawley Way and Nos 38 and 40 Garlichill Road. I have therefore assessed the scheme having regard to its effect on the occupants of the replacement dwelling and all these surrounding dwellings, even though the Council was satisfied that the proposed separation distances would be sufficient to prevent material harm to some of them.
11. The house on Plot 2 would be approximately 1m from the shared boundary with No 11. At the moment there is a considerable amount of mature vegetation along this boundary which creates a sense of enclosure along the eastern boundary of No 11. However, a two storey dwelling and its associated garage would represent a permanent and very different sense of enclosure. Approximately half the length of the rear garden would be visually dominated by the bulk and height of the proposed building. Whilst it would not directly affect the part of the garden closest to the house, I am in no doubt that it would make the garden as a whole a much less pleasant place to be to the detriment of the occupants.

12. The flank wall of the proposed dwelling on Plot 5 would be close to the rear boundary of No 40. Although the garden of this house is well-proportioned, it is shallow and its primary outside seating area is in the area nearest to where the proposed dwelling would be sited. In addition the appeal site is on higher ground. Consequently, the bulk, height and mass of the proposed dwelling would be intrusive and overbearing, making the garden of No 40 a less pleasant place to be. The difference in levels would also make the proposal appear dominant and overbearing from within the house, notwithstanding the separation distance between the buildings. In my view this combination of factors would adversely affect the living conditions of the occupants.
13. No 38 has a much longer rear garden which slopes up towards its western end. The proposed dwellings on Plots 4 and 5 would be set back from the shared boundary by the depth of their own gardens. The first floor windows would look out directly on the far end of No 38's garden and they would have oblique views towards the rear elevation of the house and the terrace immediately behind it. The separation distance between the properties would reduce the potential for harmful overlooking. However, as the house on Plot 5 would be on higher ground than No 38 there would be a perception of loss of privacy in the part of the garden closest to the rear of the house. Considered in isolation, this would be an insufficient reason to reject the scheme, but it adds to my overall concerns about the effects of the proposal on the neighbours.
14. Vehicles accessing the four dwellings at the rear of the site would pass along the proposed shared driveway immediately alongside the flank wall of the replacement dwelling and its rear garden. This could result in some noise and disturbance for future occupants, particularly when they are using the garden. However, four dwellings would generate only a modest number of daily vehicular movements. It therefore seems to me that any associated noise and disturbance is likely to be short-lived and occasional in nature. Furthermore, any potential future occupants would be aware of the relationship between the replacement dwelling and the houses to the rear when making a decision as to whether or not the property met their needs. I am therefore not persuaded that the likely levels of noise and disturbance would be sufficiently detrimental to the occupants of the replacement dwelling to justify rejecting the scheme.
15. No 21 occupies a corner plot and has a good-sized, but shallow, rear garden. The proposed access would pass along the full length of its rear boundary. There are several outdoor seating areas positioned around the garden. The one that occupies the sunniest spot is in the north-west corner, alongside the boundaries with No 19 and No 40. It would be immediately adjacent to the proposed access and I therefore accept that the proposal could introduce additional noise and disturbance into this part of the garden. However, No 21 already experiences some traffic noise arising from its proximity to the junction of Shawley Way and Garlichill Road. In view of this suburban context, I do not consider that the limited number of additional vehicle movements generated by the development would cause an unacceptable increase in noise and disturbance that would be materially harmful.
16. The occupants of No 21 have also raised concerns about the effects of the additional height of the replacement dwelling. However, as it would be set in from the shared boundary in order to accommodate the access, and the main habitable rooms of No 21 would not directly face its flank wall, I am satisfied that it would not appear unduly intrusive or overbearing.

17. Having also visited No 36 Garlichill Road on my site visit, I am satisfied that the separation distance between the proposed development and this property would be sufficient to prevent any material harm to the living conditions of the occupiers.
18. Taking all these factors into account, I conclude that the proposal would be an un-neighbourly and visually intrusive form of development that would be harmful to the living conditions of the occupants of No 11 and No 40. It would therefore be contrary to saved Policies Ho 9, Ho 13 and Ho 14 of the Local Plan which, amongst other things, require development not to seriously affect the amenity of occupants of existing properties.

Conclusions

19. 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 Epsom 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.
20. The proposal would provide an additional four dwellings, which would contribute to the delivery of housing in the borough. However, I have found that the proposal would be harmful to the character and appearance of the area and would be an un-neighbourly and visually obtrusive form of development that would adversely affect the occupants of two adjacent properties. The benefits that would accrue from the provision of the additional homes would not outweigh the harms I have identified and for this reason I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR