

Appeal Decision

Site visit made on 25 January 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/L3625/W/16/3158877
37 Warren Road, Banstead, Surrey SM7 1LG

- 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 James Denny against the decision of Reigate & Banstead Borough Council.
 - The application Ref 15/02416/F, dated 28 October 2015, was refused by notice dated 5 April 2016.
 - The development proposed is 11 new dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the development would make adequate provision for affordable housing; and
 - The effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site lies within a residential area, and is formed of the entire plot of No 37 Warren Road and the rearmost sections of the rear gardens of Nos 35 to 49 Warren Road. Warren Road is characterised by semi-detached and detached dwellings, with generous rear gardens.
 4. Of the 11 proposed dwellings, 6 would be terraced houses, set in two blocks of three. The greater ridge height of these terraced houses and their narrow width compared with the adjacent proposed detached properties would give the development a cramped appearance. This would be reinforced by the narrow gaps between most of the dwellings in the scheme. The greater ridge height of Plots 2, 3 and 4 would also be visible behind Plot 1 from Warren Road.
 5. In addition, extensive parking and circulation areas are proposed, with soft landscaping visible from the public realm limited to small front garden areas for
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the 3 detached houses and strips of planting to the front of the remaining dwellings or between parking areas and along the access road. Furthermore, Plots 2, 3, 6 and 7 have very small rear gardens. As a result the development would have an urban appearance at odds with the more spacious, suburban character of Warren Road.

6. The appellant contends that the appeal proposal would be similar to other recently constructed projects within the immediate locality, but no details have been provided, and for the reasons set out above I consider that the development would not be compatible with the prevailing pattern of development in the vicinity, contrary to the Council's Local Distinctiveness Guide SPG (2014).
7. I conclude that the proposal would harm the character and appearance of the surrounding area, and would be contrary to Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan (LP) (2005). These policies, amongst other things, require that proposals conform to the pattern of development in the surrounding area, and reinforce or promote local distinctiveness.

Provision for Affordable Housing

8. Policy CS15 of the Reigate and Banstead Local Plan Core Strategy (CS)(2014) requires that developments of 10 to 14 net dwellings provide a financial contribution of 20% affordable housing, the evidence for which is set out in the Council's Strategic Housing Market Assessment and Affordable Housing Viability Study. The proposal would result in a net gain of 10 dwellings. Accordingly the affordable housing contribution sought by the Council is necessary to make the development acceptable and would meet the tests in the Community Infrastructure Regulations 2010.
9. However, no planning obligation has been provided, and thus I am unable to be certain that the required contribution would be secured. I have considered the potential for imposing a Grampian condition to require the site owner to enter into a unilateral undertaking to provide the required affordable housing. In doing so I have had regard to advice in the Planning Practice Guidance. As the development proposal is not complex in nature or strategically important it is not appropriate to do so in this instance, and I therefore conclude that the proposal would not make adequate provision for affordable housing, contrary to CS Policy CS15.

Living conditions

10. The flank wall of the proposed two storey dwelling at Plot 11 would extend partway across the rear boundary of No 41 and most of the way across the rear boundary of No 43. Whilst there would be about 25 metres between the dwelling and the rear walls of Nos 41 and 43, its two storey height, combined with the increase in ground level of about 1-2 metres from the gardens of Nos 41 and 43 to the appeal site, mean that the dwelling would have an unacceptably overbearing impact when viewed from those properties, to the detriment of the living conditions of the occupiers.
11. Turning to overlooking, Plot 11 would be close to the common boundaries with Nos 41 and 43, but the only window at first floor level in the flank wall of that property would serve a bathroom, and a condition could be imposed to require obscure glazing to prevent any overlooking of neighbouring occupiers. There

would be only oblique views from the first floor rear windows in plot 11 towards the rear garden of No 45 Warren Road, and although there would be some direct views over the furthestmost parts of the rear gardens of Nos 47 and 49, these are both generous in length. As such I consider that any undue loss of privacy would be avoided.

12. The Council is also concerned with the relationship of the dwelling on Plot 4 with 23 Ash Close, but that property has a blank flank wall along the boundary and a detached garage. In addition, there is extensive mature landscaping of about 3 metres in height alongside the flank wall of No 23 outside the appeal site and there is nothing to suggest that this would be removed. Consequently there would be no unacceptable loss of outlook from No 23.
13. Nevertheless, I conclude that in relation to the siting of Plot 11, the proposal would harm the living conditions of neighbouring occupiers by reason of outlook. Thus it would conflict with policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan (2005). These policies seek, amongst other things, to ensure that proposals do not adversely affect the amenities of adjoining occupiers.

Conclusion

14. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR