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## Appeal Decision

Site visit made on 9 May 2017

**by David Murray BA (Hons) DMS MRTPI**

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

**Decision date: 26 May 2017**

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**Appeal Ref: APP/L3625/W/17/3166746**

**"Dendrons", Woodland Way, Kingswood, Tadworth, KT20 6NN.**

- 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 Barnfield Homes against the decision of Reigate & Banstead Borough Council.
  - The application Ref. 16/01841/F, dated 5 August 2016, was refused by notice dated 10 November 2016.
  - The development proposed is the demolition of the existing house and its outbuildings and the erection of two houses with associated outbuildings.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The Council's reasons for the refusal of permission include No.3 concerning a lack of financial contribution to the provision of affordable housing to meet the terms of Policy CS15 of the Council's Core Strategy. However, in the light of the Court of Appeal decision in the case of *Reading and West Berkshire*<sup>1</sup> and the Written Ministerial Statement of the 28 November 2014 and subsequent changes to the national Planning Practice Guidance, the Council has indicated that this reason will not be pursued and I need not consider this issue further.

### Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area recognised to be a Residential Area of Special Character;
  - The effect on the living conditions of the occupiers of adjoining residential properties.

### Reasons

#### *Background*

4. The appeal site comprises a large detached house located in a residential area of mainly grandiose, individual houses set in large grounds/gardens. There is a high rhododendron hedge along the frontage of the site, through which the

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<sup>1</sup> Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441; CO/76/2015; [2015] EWHC 2222 (Admin).

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existing access is formed and there is high vegetation along the other boundaries of the site. The site is not subject to any special nationally recognised designation but the appeal site and surrounding land form part of the Kingswood Warren and the Glade Residential Area of Special Character and also the Kingswood Warren Historic Garden.

5. It is proposed to demolish the existing house and replace this with two detached houses of similar design which would be of two storey form but with three levels of accommodation, the upper level being in the roof space but with a raised parapet roof at the front. Each house would have seven bedrooms and there would be a detached double garage at the front of both.

#### *Policy context*

6. The development plan includes the Reigate and Banstead Core Strategy (2014) and saved policies in the Reigate and Banstead Local Plan (2005).
7. In terms of the principle of development, the Council confirms that the site lies within an established urban area where there is a presumption in favour of sustainable development. There is no policy objection to the principle of development and to the potential subdivision of the existing plot which could help meet some of the Boroughs' identified housing need and contribute to housing supply. The determining issues are in respect of the specific details of the development and the impact on the site.

#### *Effect on character and appearance*

8. The existing house has an elongated form and is set at an angle to the road frontage. This form leaves relatively spacious gaps to both boundaries with neighbouring properties and this openness contributes to the special character of the area. Although redevelopment with new properties sited generally parallel with the frontage would not in itself go against the established pattern of development, I have concerns that the introduction of the two houses proposed, as shown on the 'Street Scene' of the proposed site plan, would not be sympathetic to this character.
9. The existence of the properties would be partly screened by the retention of the roadside hedging, nevertheless, the new properties would be seen through the open driveways, similar to many other existing properties in the vicinity of the site. Further, the bulk of buildings proposed across the width of the site would be considerable given the relative closeness of the buildings to each other and the reduced space to the east side boundary. Consequently, the overall form of the plots would not be 'generous' as advocated in policy Ho15. This overall bulk of the new houses and garages would be visually imposing and would be accentuated by the ornate design proposed for each house with a prominent parapet and adornments above eaves level, together with the repetition of the design. The visual impact of the scale of buildings proposed would be increased by the use of a 'crown roof' where, in this case, the depth of each new house would be greater than the width of each. This would result in a significant three dimensional bulk which would not be relieved by reasonable space between or at the side of the buildings.
10. The Council is also concerned about the loss of part of the spread of rhododendron hedge along the frontage by the introduction of the new access to plot B. This would result in a short element of hedge to the side boundary of

the site. At my site visit I noted the degree to which the rhododendron hedge was prevalent at the front of many properties but there was much variation in the lengths of hedge between access points. Locally it is visually important that the main presence of the hedge on the application site is maintained but I do not consider that the relatively narrow breach proposed would have a harmful effect on the street scene.

11. The appellant's agent refers to other infill or redevelopment that has been approved around Kingswood and in Woodland Way and I noted many of these at my site visit in forming an impression of the character of the area. Nevertheless, I do not consider that the form of development on the other sites referred to have the same characteristics in terms of their width and the scale and design of the buildings proposed. I therefore do not place much weight on these in terms of setting some precedent for this development.
12. I have also had regard to the emphasis placed on good design in the National Planning Policy Framework (the Framework). In this, paragraph 60 emphasises that planning decisions should not impose architectural style or particular tastes or stifle innovation or originality, but it is proper to seek to promote or reinforce local distinctiveness. Further, in terms of new housing development, paragraph 53 indicates that local authorities should consider the case for policies to resist inappropriate development of residential gardens for example where development would cause harm to the local area.
13. Overall, I agree with the Council's assessment that the scale, design and bulk of the two new houses proposed in the redevelopment would be significantly harmful to the present character of Kingswood Warren and would conflict with the provisions of saved policies: Ho9 particularly sections (iii) and (iv); Ho13; and Ho15 of the Reigate and Banstead Local Plan. Although this plan is long standing and predates the Framework, the main thrust of its policies is designed to protect the recognised distinctiveness of the area and this stance is broadly consistent with the national policy. The policies should therefore be given full weight.

#### *Effect on living conditions*

14. In assessing the relationship with the property 'Hazelbirch' immediately to the east of the application site I considered this from the appeal site itself and from the street frontage and views through the gateway. As depicted in photographs in the appellant's agent's statement, there is a belt of a high, mature, evergreen hedge along the party boundary supplemented by other trees and shrubs. This vegetation forms an effective screen between Hazelbirch and the appeal site at the moment. However, the presence of this natural feature cannot be relied on in perpetuity as the individual trees will die at some stage. Judged from the physical relationship of the two buildings as shown on the Proposed Site Plan (drawing DEN - P2) it appears to me that the degree of depth of House B and its relatively close position to the party boundary would result in an imposing building bulk which would dominate the outlook from Hazelbirch as enjoyed by the occupiers of the property and have an overbearing effect on the use of its garden, if and when the natural screen is no longer effective. This adds to my concern about the bulk and position of the proposed houses relative to the existing neighbouring one.

### *Planning balance*

15. The proposal needs to be considered in the context that sustainable development is encouraged by the Framework and that within this the government seeks to boost significantly the supply of housing. It is recognised that the site lies in a sustainable location within an established settlement, and there is no policy objection in principle to the redevelopment of the existing house.
16. Nevertheless, bringing together my conclusions on the main issues, I have found that the redevelopment of the site as proposed would result in a scale, footprint and overall form of new development which would not fit in with the spacious character of the surrounding area but would significantly detract from it. Although the existing rhododendron hedge along the frontage would be breached to form the additional access, this would not have a material effect on the contribution the wider rhododendron hedge makes to the character of the area. Finally, the proposed layout would result in development having an overbearing effect on the living conditions of the occupiers of that neighbouring property as it may not be screened in the long term by the existing high evergreen hedge screen along the boundary with Hazelbirch.
17. These adverse effects mean that the proposal would not accord with the provisions of the development plan that I have referred to above.
18. The negative effects have to be balanced with the positive aspects of development. The proposal would contribute to the district's housing supply, although only a net gain of one dwelling, and broaden the type of provision and there would be economic benefits particularly in the short term arising from the construction phase.
19. However, the adverse environmental effects would be significant and would mean that the proposal does not constitute sustainable development when the Framework is read as a whole. I conclude that the other considerations do not outweigh the conflict with the development plan.

### **Conclusions**

20. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR