



Appeal Decision

Site visit made on 26 June 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 03 July 2017

Appeal Ref: APP/L3625/W/17/3168789

Land at 53 Walton Street, Walton on the Hill KT20 7RR

- 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 Mrs H Innes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02030/F, dated 2 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is the demolition of existing garage and erection of a detached dwelling and single garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of a detached dwelling and single garage at Land at 53 Walton Street, Walton on the Hill KT20 7RR in accordance with the terms of the application, Ref 16/02030/F, dated 2 September 2016, subject to the conditions set out at the end of my decision.

Main Issues

2. The main issues in this case are as follows:
 - The effect of the proposed development on the living conditions of the residents of No 53 Walton Street, with respect to noise and disturbance and provision of private amenity space, and
 - The likely effect of the proposed development upon nearby trees, with particular regard to the character and appearance of the Walton Conservation Area.

Reasons

3. No 53 Walton Street lies in the heart of Walton on the Hill, within the village's Conservation Area (CA). The attractive village has a range of differing characters, with the area around Walton Street being the relatively high density commercial centre of the settlement, leading from the open space of the village Mere Pond in the east to the Church and village green in the west. Timber boarding is very much in evidence on many of the shop fronts, of varying ages. No 53 is a prominent 3 storey building with timber boarded upper floors and herringbone brick infill at first and central second floor level, beneath a tall gable feature. The property is much taller than other nearby buildings and in particular is significantly higher than the single storey long thin

No 51 to the east. The property has two commercial units at ground floor level, with two flats in the floors above.

4. Between the two buildings lies a narrow access route, which leads to a parking and service area at the rear of No 53 and a large pyramidal roofed garage. A garden/green area is located at the back of this garage. This consists mainly of roughly cut grass and an area adjacent to the garage used for sitting out. Evidence submitted confirms that this garden area has a temporary licence to the occupants of one of the flats on a rolling 14 day agreement and that the garage is also let to the flat occupants.
5. The proposal seeks to construct a new house on the garden area, demolishing the large garage and constructing a much smaller single garage in its place. 3 parking spaces would be provided in an area roughly used for parking at present immediately to the rear of No 53. A fenced square shaped space would be provided adjacent to the end parking space for the use of the flats.
6. Concern is raised over the size and quality of the amenity space that would be provided to the residents of No 53. However, the measurements I have for the amenity space, at 8m by 6.5m, would still provide over 50m² of space. Whilst this may not be a substantial area, it is still an area that is significantly more than many flat owners enjoy. Furthermore I have taken into account the conditions of the lease. This could be rescinded at any time, thus giving the residents of the flats no access to amenity space. The proposal would therefore be an improvement upon the permanent nature of amenity space available for the residents.
7. Whilst the space to be provided would be adjacent to the parking area, this would not be heavily used, with one space adjacent to the amenity area and two further spaces next to. Whilst some slight disturbance may occur when cars are moving in and out of the spaces, given the nature of the secluded courtyard and the use proposed such movements would be infrequent and would not provide a poor quality of life for the users of the amenity space. Nor would the area be directly overlooked from the windows of the proposed new property any more than may be expected in an area of such density, or would the proposal generate significant number of vehicles or pedestrian trips to harm the amenity of the occupants of the flat in general.
8. I therefore conclude that the proposed development would not have an adverse effect on the living conditions of the residents of No 53 Walton Street, with respect to noise and disturbance and provision of private amenity space. The proposal would comply with Policies Ho9 and Ho14 of the Local Plan¹, which state that all residential development involving back garden land will be required to not seriously affect the amenities of existing adjoining properties.

Trees

9. Although the rear of the site consists largely of grass, there are a range of trees that overhang aspects of the site from adjacent plots. An Arboricultural Implications Report identifies some facilitative felling and pruning works as being necessary to the trees around the boundaries of the site, in order to accommodate the proposed development. The Council agree that following such works the light reaching the site would be acceptable.

¹ Reigate and Banstead Local Plan 2005.

10. To the front of the site, a fairly substantial Yew tree overhangs the area proposed for the parking spaces. Concern is raised that berries dropped by the tree could lead to post development pressure to carry out works on the Yew. However, it is confirmed by the appellant's advisor that the tree is a male one which does not bear fruit. Furthermore, I note that the tree effectively overhangs a parking area at present and hence the circumstances would not significantly change due to the proposed development.
11. Adjacent to the rear of the site, sited in a small plot of land next to Old Rectory Lane is a 17m Sycamore tree. The tree overhangs the site but there is sufficient clearance between the ground level and the first branch of the tree, and the crown spread and the proposed southern elevation of the house, to ensure that the proposal would not lead to post development pressures to carry out works to this tree.
12. An Ash tree is sited close to the south east side of the site. This is detailed as being some 18m tall with a 7m clearance to the first branch. Such measurements accord with my observations on site. The crown of this tree is sited reasonably close to the proposed dwelling. However, with the tree protection proposed, including supervision of foundations and the construction of footpaths/patios in this area, as shown on plan TPP01, I do not consider that the proposal would harm this tree. I note in this respect that the Council's tree officer has no concerns in this respect. Given the height of the first branches of the tree, I am also of the view that post development pressures to carry out works on this tree are unlikely to ensue from the proposal.
13. I therefore conclude that the proposed development is unlikely to have a adverse effect upon nearby trees, thereby preserving the character and appearance of the Walton Conservation Area. The proposal would comply with policies Pc4 and Pc12 of the Local Plan, which together state that the Council will protect, conserve and enhance the tree cover in the Borough, resisting the loss of trees which are important to the character of Conservation Areas. The Council also refer to policy Ho15 of the Local Plan in their reason for refusal. However, I am not convinced that this policy applies in this case as it refers to sites within the Residential Area of Special Character (RASC), which the site is not. However, and notwithstanding this point, the proposal would not result in the removal of trees and other features which make a significant contribution to the character of the adjacent RASC.

Other Matters

14. A third reason for refusal referred to the need for affordable housing contributions. The Council have confirmed that due to changes in national policy such contributions are no longer required for the size of the scheme proposed. Based on all that I have seen and read, I have no reason to disagree with this view.
15. The proposed house has been designed in a broad arts and crafts manner to assimilate with much of the surrounding development. In particular the proposed overhanging jetty of the first floor and tile hung upper elevations picks up cues from surrounding development. Whilst the site is not substantial, the house would sit comfortably within the plot and have sufficient space around it on all sides so as not to appear as overdevelopment.

16. Upper windows of the side elevations of the property facing towards adjacent gardens are restricted to a landing/stairway window and a bathroom, and sufficient separation space would be provided between the proposal and dwellings to the north and south. Given the location and design of the scheme I consider that the design would preserve the character and appearance of the CA, and that the proposal, subject to conditions, would not have an adverse effect on the living conditions of neighbouring residents with regard to overlooking.
17. Concern is raised over the highway implications and parking provision of the proposal. On my visit I noted the narrowness of the access to the site from Walton Street. However, the proposal is solely for 1 property, the traffic implications of which would not be significant. As such, I agree with the County Highway Authority that, subject to conditions, the proposal would not constitute a risk to highway or pedestrian safety. Furthermore, the provision of 1 garage and 3 parking spaces in a sustainable location should be sufficient for parking, despite the busy nature of Walton Street.
18. I can appreciate that given the site location and access, there is potential for neighbouring residents to be disturbed during construction of the proposal. A condition requiring a construction management plan, including details of materials storage and contractor parking would assist in this regard.
19. The site largely consists of rough grass at present, with the majority of trees on the site overhanging from other land. I do not consider that the development of the site and the minor tree works proposed would cause significant harm to wildlife habitats or ecological matters.
20. Concern is raised over issues of foul and surface water drainage. Conditions could be imposed on such matters to ensure that the proposal would not cause harm to the water environment and to ensure that sustainable drainage techniques are utilised. Whilst such a condition is not referred to by the Council in their proposed list, they are referred to in the Officer report.

Conditions

21. Aside from conditions stated above concerning drainage, construction management, upper windows and parking, I have also imposed a condition relating to approved plans, to provide certainty. In relation to the condition concerning the obscure glazing of upper windows this is not included in the Council's list but is referred to in their report. In the interests of the character and appearance of the CA and the living conditions of neighbouring residents, a condition is also imposed for the ground levels and finished floor levels of the proposal to be agreed, and to ensure that the character and appearance of the CA is preserved, a detailed condition regarding construction and materials, as recommended by the Council, is also imposed.
22. Conditions are also imposed to ensure tree works and protection are carried out as proposed, in the interests of ecology and the character and appearance of the CA. For the same reasons conditions are also imposed concerning landscaping and boundary treatment.
23. Finally, the Council consider that conditions should be imposed to withdraw permitted development rights for the insertion of any new upper floor or roof level windows and future extensions. Planning Practice Guidance states that

the withdrawal of any such rights should be exceptional. However, in this one instance, and given the proximity of gardens to the west and east I consider such a condition is necessary with regards to windows. I am not convinced however that a condition restricting future extensions is necessary or reasonable.

Conclusion

24. I have concluded that the proposal would not have an adverse effect on the living conditions of nearby residents or would lead to pressure for works likely to have an adverse effect on the Conservation Area. Therefore for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 13 CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J002384/PL 01, J002384/PL 01 J002384/PL 02, J002384/PL 03, J002384/PL 04, J002384/PL 05, J002384/PL 06, J002384/PL 07, TPP 01.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the east and west elevation above ground floor level.
- 4) No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels, and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.
- 5) Notwithstanding the drawings, the proposed external finishing materials and details shall be carried out using the external facing materials and details specified below and there shall be no variation without the prior approval in writing of the Local Planning Authority;
 - a) All tiles and tile hanging shall be of Wealden handmade sandfaced plain clay tiles,
 - b) All external joinery shall be of painted timber with architraved bargeboards with no box ends,

- c) All brickwork shall be handmade sandfaced multistock brick and gauged brick arches, and handmade sandfaced clay red stock brick for dressings if required,
 - d) All dormers shall have a white painted timber ogee cornice,
 - e) All garage doors shall be of painted vertically boarded timber,
 - f) All casement windows shall be of white painted timber with casements in each opening with leaded light windows with 12mm patinated lead comes,
 - g) All fascias shall be no more than two bricks depth,
 - h) All rainwater goods shall be of painted cast metal,
 - i) All footpaths and drives shall be of fixed gravel or sandstone paving,
 - j) All fencing shall be of vertically boarded timber with timber posts and gravel boards.
- 6) No development shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Arboricultural Implications Assessment and Method Statement, David Archer Associates on drawing number TPP01 and report reference DAA AIR & AMS 01 dated August 2016.
- 7) No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures as required by condition 6 of this permission has been submitted to and approved in writing by the local planning authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The submitted details will include:
- a) Pre commencement meeting between the retained arboricultural consultant, local planning authority Tree Officer and individuals and personnel responsible for the implementation of the approved development,
 - b) Timings, frequency and methods of site visiting and an agreed reporting process to the local planning authority.
 - c) The supervision monitoring and reporting process shall be undertaken by a qualified arboriculturist.
- 8) No development shall commence until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard and soft landscaping, including improvements to the presentation of the access and yard to include a fixed gravel surface and traditional evergreen shrubbery planting, details of proposed bin storage arrangements, any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed in writing with the local planning authority.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

- 9) The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the development hereby permitted.
- 10) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors,
 - (b) loading and unloading of plant and materials,
 - (c) storage of plant and materials, and
 - (d) measures to prevent the deposit of materials on the highwayhas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 11) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning area shall be retained and maintained for their designated purposes.
- 12) No development shall commence until a scheme for the disposal of foul and surface water drainage from the site has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the dwelling hereby permitted.
- 13) The window to the 1st floor bathroom on the western elevation of the dwelling hereby approved shall be obscure glazed and non-opening, and shall be maintained as such throughout the lifetime of the development.