

Appeal Decision

Site visit made on 22 May 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/L3625/W/17/3168172

Cartmel Lodge, Wonford Close, Walton on the Hill, KT20 7QX

- 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 Ashgrove Homes Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02027/F, dated 2 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is the erection of 9 flats in two detached blocks with retention of existing garage and studio flat together with parking barns incorporating refuse store facilities following demolition of house.
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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, including on protected trees in the vicinity of the site; and
 - Whether the studio flat would provide satisfactory internal accommodation for future occupiers.

Reasons

Character and appearance

3. Cartmel Lodge, the host dwelling, is located near to the northern boundary of the appeal site and a detached garage is set in the south west corner, and much of the remainder of the site is laid to lawn, with a private gated driveway in the south-east corner. To the north of the appeal site is Kitlands, a detached dwelling fronting Heath Drive. The large rear garden of Kitlands extends down to Hurst Drive and Chequers Lane and forms the western boundary of the appeal site. There is extensive soft landscaping within this adjacent garden close to the common boundary, including mature trees subject of a Tree Protection Order.
 4. To the east is Cranford, a detached dwelling, set towards the northern end of its plot, and Mulberry, a detached property is a recent infill dwelling sited within the southern part of the garden of Cranford. White Cottage, to the south of the appeal site has a frontage to Hurst Drive and a long rear garden, and South
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Hatch, also to the south is situated close to the driveway of the appeal site, accessed from Wonford Close.

5. Wonford Close and the surrounding streets of Hurst Drive and Heath Drive are part of an area designated in the Reigate and Banstead Local Plan (LP) (2005) as the *Walton on the Hill Residential Area of Special Character (RASC)*. The area is characterised by large detached houses, many dating from the interwar period set within spacious plots with mature gardens. There has been a not insignificant number of planning permissions granted in the recent past for residential development within residential gardens in the area and I have been provided with the details of these, many of which have been built. Average plot sizes within the RASC have reduced and the density of development increased, with the result that the arcadian character of the RASC has become more suburban over time as the large gardens in the locality are sub-divided. Nevertheless, the predominant building type within the RASC, particularly within Wonford Close, remains large detached dwellings within a verdant setting.
6. The appeal proposal is to demolish the existing detached dwelling and erect two apartment blocks. The four car garage at the southern end of the site, which incorporates a residential annexe would be retained with a studio flat above. Three detached parking barns would also be erected. Parking Barn C, close to the western boundary would accommodate four cars, and parking barns A and B, adjacent to the eastern and southern boundary, would each accommodate two cars. Flats 5-9 would have a broadly similar footprint to the existing dwelling, whilst Flats 1-4 would be set at a right angle, parallel to the western boundary.
7. The density of the proposed development would be broadly comparable with that of other recently permitted schemes within the RASC at about 25-35 dwellings per hectare. In addition, it is asserted that plot coverage of buildings and hardstanding would amount to less than 30% of the total site area. However, the two proposed apartment blocks, and three car park barns, together with the retained four bay garage and access road and new areas of hardstanding would be spread across the site. Undeveloped areas would be limited to incidental areas around the sides and rear of the buildings, with the exception of a small lawned area to the front of Flats 1-4. As such the development would have a dominating appearance and would not maintain the existing visual predominance of spacious gardens, as required by LP Policy Ho15.
8. The appellant contends that the apartment blocks would not be visible from Wonford Close due to the retention of existing trees, but the large trees adjacent to the site are principally located along the western boundary, and those along the southern boundary are relatively modest specimens. Indeed, the submitted Tree Constraints and Protection Plan indicates that the trees on either side of the access would need to be replanted to facilitate a widening of the access. Thus it is doubtful whether sufficient space would be available for the planting of trees or shrubs to provide adequate screening. Consequently the buildings would be seen from Wonford Close and within the rear garden environment. The appellant has also pointed out that there are other apartment blocks within the wider area. However, these are each set within generous grounds and as such are not directly comparable with the appeal proposal.

9. All the adjacent trees subject to Tree Protection Order BAN94 lie outside the red line of the appeal site, albeit very close to the common boundary. The submitted Tree Protection Plan and Arboricultural Method Statement¹ indicate that those parts of proposed buildings falling within the Root Protection Area of the aforementioned trees will be subject to specialist no dig construction methods to protect their long term health. On the basis of the evidence before me I am satisfied that there would be no adverse impact on the root systems of these trees arising from the development.
10. Whilst TPO tree T22 is a particularly large Lime tree that would be adjacent to Flats 1-4, the closest rooms to the south west corner of that block would be bedrooms with a single window in the southern elevation, and shower rooms. Thus the impact on those residential units would not be so harmful as to justify dismissal on this aspect alone. However, Flat 5, which has a living room on the ground floor with French windows to the southern elevation, and Flat 7 on the first floor, which has a balcony to the western elevation also serving a living room, would be situated very close to protected trees to the west and south west of the windows, T10 being the largest specimen in this location.
11. Although this would provide for a pleasant view, and any works to these protected trees would remain under the control of the local planning authority, their close proximity would inevitably result in pressure to reduce their impact on views and to prevent a loss of light or overshadowing to these habitable rooms. As the trees in question are substantial and make a positive contribution to the RASC, such works would have a detrimental impact on the character and appearance of the surrounding area, contrary to LP Policy Pc4, which seeks to protect, conserve and enhance tree cover in the Borough.
12. I acknowledge that the proposal would make a modest contribution towards housing supply in the Borough, and the Council would receive New Homes Bonus on the additional dwellings, but these benefits would not be sufficient to overcome the harm that would be caused for the reasons I have described.
13. For the reasons set out above I conclude that the proposal would cause material harm to the character and appearance of the surrounding area. It would thus be contrary to LP Policy Pc4, and to LP Policies Ho9, Ho13, H015, which amongst other things require development to reinforce local distinctiveness, and protect and be compatible with the established pattern of development in the area.

Living conditions

14. LP Policy Ho18 supports the conversion of existing residential dwellings to two or more dwellings subject to meeting certain criteria. The last sentence of the policy states that similar considerations will apply in the case of the conversion of non-residential buildings. Criterion (i) requires proposed units to have a satisfactory internal layout. Further to the above, LP Policy Ho9 requires that the environment created for the residents of the proposed development must be satisfactory, in terms of outlook, privacy and adequacy of garden space. However neither policy explicitly requires a minimum floorspace for new dwellings.

¹ Tree Protection Plan and Arboricultural Method Statement dated 28 August 2016

15. Moreover, since the adoption of the LP the government has published a Nationally Prescribed Space Standard which should be applied where there is a local need for the standard. From 1 October 2015 local planning authorities who wish to specify an internal space standard should only do so by reference to the Nationally Described Space Standard in their Local Plan, but the Council do not have such a policy. I have therefore used my judgement in assessing the adequacy of the residential unit, based on the site circumstances before me.
16. The submitted plans show that the detached garage contains annexe accommodation within the roof space, with two front dormers and roof lights to the rear. This consists of a studio including a kitchenette and a shower room, with a net internal area of 42.4 square metres. No internal or external changes are proposed to the garage, and the appellant has calculated that about 70% of the floorspace of the proposed dwelling would have a floor to ceiling height of at least 2m. Whilst the Council contend that there would be insufficient storage space, there is no reason to believe that there would not be storage options under the eaves level along the length of the living area.
17. Taking all of the above into account, I conclude that the proposal would provide satisfactory internal accommodation for future occupiers. As such it would accord with LP Policies Ho9 and Ho18.

Other Matters

18. The effect of the proposal on property values or loss of private views are outside the scope of planning control and the potential for conflict with a covenant on the land is a private legal matter and thus outside the scope of this appeal.
19. Concerns have also been expressed regarding an increase in traffic and congestion and the adequacy of the site access, but the access is proposed to be widened and turning space to be provided within the site. Moreover, there is no objection to the proposal from the Highway Authority and thus I give this matter little weight.

Conclusion

20. I have found that the proposed conversion of the garage annexe to a self-contained flat would provide adequate living accommodation for future occupiers, but the proposal would cause material harm to the character and appearance of the surrounding area.
21. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR