
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: 26 July 2017

Appeal Ref: APP/L3625/W/17/3168151

Ash Meadow, Bridge Way, Chipstead, CR5 3PX

- 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 Gary Ferrier (Lucas Design and Construction) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/01562/F, dated 1 July 2016, was refused by notice dated 5 January 2017.
 - The development proposed is the erection of a dwelling and associated parking, alterations to the existing dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has advised that section drawings PL005, dated 1 July 2016 and PL005 P1, dated 21 July 2016 are listed on the Decision Notice but relate to an earlier version of the plans and thus are superseded by plans and elevations shown on drawing PL004-P2, also listed on the Decision Notice and dated 7 December 2016. For the avoidance of doubt I have determined the appeal with regard to the latter drawing.

Background and Main Issue

3. There was only one reason for refusal on the Decision Notice, in respect of highway safety. However, since the application was determined, an appeal decision for an earlier proposal for a single dwelling was published on 24 February 2017.¹ The application Ref 16/01050/F, subject of that appeal, was not determined by the Council and so the appeal was made against a failure by the council to determine the application within the prescribed period. In that event there was no Decision Notice, and the Inspector considered the two main issues to be the effect of the proposal on the character and appearance of the area and on highway safety. The appeal was allowed insofar as it related to alterations to the existing dwelling but dismissed insofar as it related to the erection of dwelling and associated parking, as the proposed dwelling would be a poor design that fails to take the opportunities available for improving the character and quality of the area. The Council has stated that it now objects to the current proposal on design grounds following the Inspector's Decision, having previously not objected to that aspect of the proposal.

¹ Appeal Ref. APP/L3625/W/16/3154608

4. In reaching that decision the Inspector found that in balancing the traffic from the existing lawful use with that from the proposed use the proposal would have a neutral effect on highway safety, and following the publication of this Appeal Decision the Council has withdrawn its sole reason for refusal relating to highway safety. Whilst each application taken on its own merits and notwithstanding the withdrawal of the Council's highway safety concern, the publication of the earlier Appeal Decision is relevant to the appeal before me as the proposed development is similar to that proposed in the previous application.
5. I therefore consider that the sole main issue in the appeal is the effect of the proposal on the character and appearance of the surrounding area. As the appellant has had an opportunity during the appeal process to comment on the Council's position, and has commented on both the February appeal decision and the design of the dwelling in their final comments, I do not consider any party would be prejudiced by my determining the appeal on that basis.

Reasons

6. Ash Meadow is a detached dwelling situated on a no-through road opposite a railway cutting, and a detached single storey building is located within the south west corner of the site. The Council considers that the use of this building as an office is lawful.² Soft landscaping including several mature trees provides some screening of the site along the front boundary, particularly in front of the office building. In addition, due its modest height and footprint, it is not especially prominent within the street scene. There is a change of levels within the site down towards the rear garden with a tennis court in the north-west corner enclosed at its southern end by a retaining wall. Neighbouring properties on either side and to the rear are mostly detached dwellings set within large gardens.
7. The proposed dwelling would be at a slightly lower level than Bridge Way, but would be set on slightly higher ground than the host property. The proposal before me would have a detached garage to the front rather than the integral garage originally proposed in the earlier appeal scheme that would project out from the main front wall of the dwelling. The separation of the garage from the dwelling would reduce the massing and bulk of the property somewhat at single storey level. The roof height of the western side of the dwelling would also be lowered very slightly compared with the earlier proposal with the effect that there would be two crown roof elements rather than a single section of flat roof, but the proposal would not be markedly different from the previous scheme, and the taller part of the roof would clearly visible and overly dominant when approaching the property from the east.
8. Although other dwellings in the vicinity are relatively large and set within spacious plots, the roof would be very large in proportion with the house as a whole and would have a bulky appearance that would be incongruous with the more modest scale roof forms of the surrounding properties. Other minor changes to the dwelling including use of tile hanging to the first floor rather than rendered panels and the replacement of a flat roof dormer with a pitched roof dormer would add architectural interest and enhance the character of the property, but would not outweigh the harm that would be caused by the excessive size and scale of the roof.

² Certificate of Lawfulness of Existing Use or Development – Ref16/01978/CLE approved 16 November 2016

9. I therefore conclude that the proposal would cause material harm to the character and appearance of the area, contrary to policies Ho9 and Ho16 of the Reigate and Banstead Local Plan (2005), which seek, amongst other things, to respect the scale of development in the local area. It would also conflict with the aims of the Framework, which requires high quality design and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area or the way it functions.

Other Matters

10. The Inspector in the previous appeal found that there would be a neutral effect on highway safety given the existing lawful office use on the site, compared the likely traffic generation that would be associated with the proposed dwelling. I recognise that third parties remain concerned in relation to the implications of the proposal on highway safety, but there is no objection from the Highway Authority and no compelling evidence before me to indicate that I should take a contrary view on this matter.
11. The proposal would result in one new dwelling and would therefore make a contribution, albeit modest towards housing supply in the Borough, but this would not be sufficient to outweigh the harm that would be caused to the character and appearance of the area.

Conclusion

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

Claire Victory

INSPECTOR