



Appeal Decision

Site visit made on 31 July 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/L3625/W/17/3167463

Land at 16 Downs Wood and rear of 35-47 Yew Tree Bottom Road, Epsom Downs KT18 5UH

- 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 Denton Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02031/F, dated 2 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is the demolition of 16 Downs Wood and the erection of 12 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide adequate living conditions for the future residents of the adjacent dwelling; and
 - The effect of the proposed development on the living conditions of the occupiers of Nos 14 and 18 Downs Wood, with respect to noise and disturbance.

Reasons

Character and Appearance

3. The appeal site lies in the midst of a residential area to the east of the Epsom Downs. The area is characterised by large detached houses with differing sized back gardens; the properties on Yew Tree Bottom Road have fairly long, well established back gardens, with houses on Downs Wood to the rear having more modest rear areas. Despite the presence of some reasonably busy connecting roads, such as Yew Tree Bottom Road, the area has a leafy, fairly peaceful air due to the size of housing, their plots, and the established nature of much of the landscaping, both on the edges of the road and within the plots themselves.

4. The Design Guide¹ defines the area as 1930s-1950s Suburbia, and notes that new infill development should not provide parking or garaging which dominates the street frontage, with visual separation between dwellings maintained, and building form and massing reflecting dwellings in the vicinity.
5. The proposal seeks to demolish the detached property of No 16 Downs Wood, using this plot to construct an access road to the rear gardens of Nos 35-47 Yew Tree Bottom Road with a two pronged cul-de-sac, on which 12 dwellings would be built. 4 of the properties would be detached, with the remaining 8 in 4 pairs of semi-detached units.
6. A number of similar style developments have taken place in recent times; these are well documented in the appellant's evidence. In particular a very recent cul-de-sac development has been constructed to the immediate west of the site off Yew Tree Bottom, with a fairly modern development also having been constructed on the opposite side of this street. A wider range of similar developments have also been constructed or permitted in areas to the north and west.
7. Such backland developments have inevitably had an effect on the character of the area; however, the area as a whole maintains its feel of a spacious and peaceful residential zone with large houses set in generous plots. Many of the newer backland schemes have maintained this character, with the site to the immediate west having 3 properties set at the head of a cul de sac, set within the rear gardens of 3 'historic' plots.
8. The proposed development would introduce a scheme which would appear denser than much of the prevailing development. The quantum of housing, in introducing 12 units into effectively the rear gardens of 7 houses (discounting the home which would be lost to the access) would also appear higher than the prevailing surrounding density, even than the more recent local schemes.
9. The proposed semi-detached dwellings would add to this feeling of density in comparison to the surroundings, which are primarily made of detached properties, and would not fully reflect the building form of the vicinity. Whilst I note that the gaps between the proposed units may well not be dissimilar to other properties in the area, the use of such gaps for tandem parking in the instances of the gaps between plots 10 and 11, and 2 and 3 would fill such limited gaps so that visual separation would not be maintained. Such an effect could not be effectively mitigated by landscaping.
10. The depth of the rear gardens of the proposed houses would also appear out of place within the generously proportioned plots of the surrounding development, with the rear gardens significantly smaller than those surrounding the scheme, even in the newer properties to the west. In combination with the spacing between the dwellings and the quantum of development this would lead to a scheme which would appear significantly more dense than the character of the area, appearing as overdevelopment and causing harm to the spacious character and appearance of the area.
11. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The proposal would be contrary to policies Ho9, Ho13 and Ho14 of the Local Plan², as well as

¹ Reigate and Banstead Local Distinctiveness Design Guide, March 2004.

² Reigate and Banstead Borough Local Plan 2005

policy CS4 of the Core Strategy³, which when taken together state that development should be of a high quality design which respects, promotes or reinforces local distinctiveness, not be detrimental to the character of the surrounding area and maintain the general pattern and form of development in the area. The proposal would also be contrary to the National Planning Policy Framework (the Framework), which states that planning should always seek to secure high quality design.

Living conditions of neighbouring residents

12. Plot 3 of the adjacent scheme appeared virtually complete at the time of my visit. This property is a substantial detached house, with a plan form and design which includes most windows facing to the front and rear, but one large upper floor side window also facing towards the site. The side boundary of the property would be shared with plots 1-4 of the proposal, with 1 & 2 set towards the rear of the house. Plans show upper floor windows serving rear bedrooms would look towards the adjacent Plot 3.
13. The depth of the rear gardens for the proposed plots 1 & 2 is noted as being some 10m long. This is not a significant distance, but would retain a reasonable separation between the properties. Significantly it was clear on my visit that the adjacent Plot 3 is set at a higher level than the appeal site, meaning that overlooking potential would be reduced. Conditions concerning boundary treatment and landscaping could also be imposed on any consent granted, to ensure that the privacy of the future occupants of Plot 3 was maintained.
14. I therefore conclude that the proposed development would provide adequate living conditions for the future residents of the adjacent dwelling. In this respect the proposal would comply with Local Plan policies Ho9, Ho13 and Ho14, as well as Core Strategy policy CS4, which state that development should not seriously or unreasonably affect the amenities of adjoining properties by overlooking.

Living conditions of neighbouring occupiers, with respect to noise and disturbance.

15. The proposal would introduce a new access road between Nos 14 and 18 Downs Wood to serve the proposed 12 dwellings. Both properties have side elevations located fairly close to their respective boundaries with the appeal site and the proposed access road would clearly have the potential to adversely affect the living conditions of the residents of these dwellings.
16. The proposed access is shown to be designed in a fairly sinuous manner, starting from a point fairly close to No 18, winding closer to the rear garden of No 14 before its entry into the main area of the site. Such a design, when coupled with additional landscaping and boundary treatments to add to that existing would mitigate the effects of the proposed access road to the neighbouring residents. The traffic generation of the proposed 12 houses would not be substantial and would not appear out of place within the area or, subject to suitable conditions, likely raise matters of highway safety.
17. I note that a previous appeal was dismissed in 2003, partially for reasons of disturbance to neighbours caused by a proposed access road. I have been provided with very limited information on this previous proposal, although note

³ Reigate and Banstead Local Plan: Core Strategy July 2014

that the scheme was for a smaller number of houses and had a different site area. However, each case must be dealt with on its own merits, and I consider in this case that given the design of the proposed access road, its width and the opportunities for landscaping and suitable boundary treatment on either side that the proposal would not seriously affect the living conditions of neighbouring residents.

18. I therefore conclude that the proposed development would not have a significant adverse effect on the living conditions of the occupiers of Nos 14 and 18 Downs Wood, with respect to noise and disturbance. The proposal would comply with policies Ho9, Ho13 and Ho14 of the Local Plan and Core Strategy policy CS4, which in this context state that the amenity of adjoining properties should not be seriously or unreasonably affected through obtrusiveness.

Other Matters

19. The appeal was also refused on the grounds of a lack of an affordable housing contribution, in lieu of on site provision. During the appeal such an obligation has been received. However, as I am dismissing the appeal on other grounds, I have not considered this matter further.
20. I acknowledge that the site lies within in a reasonably sustainable location. However, due to its effects upon the character and appearance of the area, I do not consider that the proposal would constitute sustainable development. The Framework states that good design is a key aspect of sustainable development, and is indivisible from good planning.

Conclusion

21. I have concluded that the proposal would not have an adverse effect on either existing or future neighbouring residents. However, this does not alter my views on the adverse effect of the scheme upon the character and appearance of the area.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR