
Appeal Decision

Site visit made on 7 November 2017

by Michael Boniface MSc MRTPI

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

Decision date: 14th November 2017

Appeal Ref: APP/L3625/W/17/3181000

88 Epsom Lane North, Epsom Downs, KT18 5QA

- 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 Devine Homes Plc against the decision of Reigate & Banstead Borough Council.
 - The application Ref 17/00434/F, dated 22 February 2017, was refused by notice dated 14 July 2017.
 - The development proposed is described as "the construction of a pair of 3 bedroom semi-detached dwellings with detached double car port and parking to replace single detached 4 bedroom house located at plot 7 permitted under reference 15/02780/F".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Planning permission was granted for plot 7, the subject of this appeal, as part of a wider residential scheme allowed at appeal¹. This permission was subsequently subject of a minor material amendment application which was approved by the Council², allowing for a different detached dwelling on plot 7, amongst other things. This appeal now seeks to replace the approved detached dwelling on plot 7 with a pair of semi-detached dwellings. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect on neighbours' living conditions, with particular regard to outlook and overbearing impact from the gardens of 64 and 66 Royal Drive.

Reasons

4. The site is part of a wider residential development and had been cleared at the time of my visit. Established bungalows are located to the east on Royal Drive and these stand at a significantly higher ground level to the site, as do their gardens, though some in the vicinity are terraced.
5. The extant planning permission involves a detached dwelling with a single storey garage to the side, close to the boundary of the site with neighbouring properties on Royal Drive. The proposed development would involve a pair of

¹ APP/L3625/W/16/3156890

² 17/00257/S73

two storey semi-detached dwellings. The two plots would be less spacious and two storey development would stand very close to the site boundary and neighbouring gardens at 64 and 66 Royal Drive.

6. Whilst the bungalows on Royal Drive have reasonable sized gardens and benefit from landscaping on the rear boundary, the proposed development would become far more prominent from the gardens. Despite the difference in ground levels, the two storey development would protrude above the established planting, just beyond the garden, albeit that a small footpath intervenes. The two storey development would only be a matter of metres closer to these gardens than the extant scheme, but in my view, this would lead to a significantly increased visual impact, resulting in a dominant and overbearing form of development. This is notwithstanding that wider views above and either side of the proposed building would remain possible.
7. The development would be harmful to the living conditions of neighbouring occupants'. As such, the development would be in conflict with Policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan (2005) (LP), which seek to protect neighbour's living conditions, an objective that is entirely consistent with the National Planning Policy Framework. I have noted the Council's reference to Policy Ho16 of the LP but as this relates to frontage plots and extensions it is not relevant to this appeal.
8. I have had regard to the benefits of the scheme, including the provision of an additional small dwelling that would contribute to local housing needs. However, this does not outweigh the harm that I have identified with regards to the main issue.
9. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR