
Appeal Decision

Site visit made on 14 November 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 4th December 2017

Appeal Ref: APP/L3625/W/17/3179723

Bracken House, Waterhouse Lane, Kingswood KT20 6LF

- 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 F Tropea against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02153/F, dated 16 September 2016, was refused by notice dated 20 January 2017.
 - The development proposed is retention of existing dwelling and erection of 2 detached dwellings and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Subsequent to the date of the Council's decision notice, planning permission¹ has been granted for the erection of a detached dwelling on the appeal site. It is my understanding that the consented dwelling is similar in all respects to one of the dwellings proposed under the scheme I am to consider, identified as Plot 2 on the submitted plans. In addition, it is clear to me from the Council's decision notice and appeal statement that it has concerns only in respect of the proposed dwelling identified as Plot 1 on the submitted plans. I have considered the appeal on this basis.

Main issues

3. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the location of the appeal site within the Kingswood Conservation Area (KCA) and the Kingswood Warren and The Glade Residential Area of Special Character (RASC).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." In addition, Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed

¹ Ref 17/00422/F

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The appeal site comprises a large, detached, Arts and Crafts style dwelling, known as Bracken House, and its associated grounds, which are of a substantial size. It is located on the northern side of Waterhouse Lane and within the KCA and RASC. The existing dwelling is set back by a considerable degree from the road and this, along with its extensive grounds, provides a strong spatial quality to the appeal site and area. The presence of trees, other vegetation and areas of lawn also provide an important verdant quality. Other dwellings in the vicinity of the appeal site and along this side of the road, including those adjacent, also occupy large and verdant plots and tend to be set back by a considerable degree from the road frontage. Submitted plan PL10/* illustrates this and it is apparent when travelling along this part of Waterhouse Lane. These spatial and verdant qualities are, in my view, defining characteristics of this part of Waterhouse Lane, the KCA and the RASC. Moreover, these qualities strongly contribute to the significance of the overall KCA designated heritage asset.
6. I acknowledge that the design of the proposed dwelling on Plot 1, through its architectural style, detailing and use of materials, would be reflective of other dwellings in the area, including Bracken House. I recognise that it would be smaller than this dwelling and the consented dwelling on Plot 2. In addition, I accept that the KCA and the RASC have been subject to some change over the years and that these designations are not intended to and should not prevent some further change into the future. I have also had regard to the extracts of the Council's Local Distinctiveness Guide 2004 (LDG) that have been provided by the appellant. I acknowledge that it indicates that infill development can be acceptable in RASCs.
7. Nonetheless, the proposed dwelling on Plot 1 would be sited considerably closer to the road than Bracken House and the consented dwelling on Plot 2. Thus, it would fail to reflect the characteristic setback of dwellings along this part of Waterhouse Lane. The LDG identifies that within this RASC, dwellings are often set back from the road. The draft Kingswood Conservation Area Appraisal 2015 also identifies this. Though it would be smaller than Bracken House and the consented dwelling on Plot 2, I observed that it would be apparent in some views from along Waterhouse Lane, notwithstanding the presence of boundary vegetation. I therefore consider that the proposed dwelling on Plot 1 would appear at odds with the prevailing pattern of development along this part of Waterhouse Lane and would not reflect the surrounding urban form. Furthermore, its physical and visible presence would result in a prominent form of development that would considerably erode the spatial qualities of the appeal site and area.
8. I note the density figures referred to by the appellant. Nevertheless whilst the density proposed may reflect that of some other plots in the area, this does not mean that the relationship of the proposed dwelling on Plot 1 to its surroundings would be satisfactory for the abovementioned reasons.
9. Consequently, I consider that the proposal, by virtue of the siting of the proposed dwelling on Plot 1, would fail to preserve the character and appearance of the KCA and would have a detrimental effect on the significance of KCA designated heritage asset. It would also fail to respect the character

and appearance of the RASC. However, in the context of the KCA as a whole, I consider the harm arising to the significance of this designated heritage asset would be less than substantial.

10. As required by Paragraph 134 of the Framework, I must therefore consider whether there are any public benefits that would outweigh the less than substantial harm identified above. On this matter, I have not been presented with any compelling evidence from the appellant to this effect. However, I acknowledge that he highlights the benefits of an additional housing unit with regard to increasing the housing supply in the District in light of an alleged inability of the Council to meet its objectively assessed housing need. With an eye to the policies of the Framework as a whole, I accept that under these circumstances, such a contribution to housing supply may be, in the context of paragraph 134 of the Framework, a public benefit. Nonetheless, even if this is the case, such a benefit would be, in the wider scheme of things modest, and would be insufficient in my view to outweigh the harm I have identified in respect of the KCA designated heritage asset.
11. I therefore conclude that the proposal would fail to preserve the character and appearance of the KCA contrary to the requirements of s72(1) of the Act and that the harm to the significance of the designated heritage asset, albeit less than substantial, would not be outweighed by any public benefits. The benefits put forward would also be insufficient to outweigh the harm to the character and appearance of the RASC.
12. Thus, the proposal would also be contrary to saved Policies Ho9, Ho13, Ho15, and Pc13 of the Reigate and Banstead Borough Local Plan 2005; and Policies CS1 and CS4 of the Reigate and Banstead Local Plan: Core Strategy 2014. These policies require, amongst other things, development to promote or reinforce local distinctiveness, to respect the character of the surrounding area, to conform to the pattern of development in the surrounding area, to respect and be compatible with the character of RASCs and to maintain spacious gardens within them, to complement and enhance the character of conservation areas, to respect, conserve and enhance the historic environment and to improve the environmental conditions in the area. These policies are consistent with the broad aims and objectives of the Framework which seek planning to take account of the different roles and character of different areas and to conserve heritage assets in a manner appropriate to their significance.

Other matters

13. The appellant makes reference to some examples of other developments in the KCA, including in respect of Kingsworthy House where planning permission was granted on appeal² for the demolition of the existing building and the erection of an apartment block and detached dwelling. However, I note that the Inspector considered the buildings proposed under that appeal would be adequately set back from Forest Drive and The Glade. From looking at the plans provided and having viewed the development for myself, I would agree. They appear to be set back in a similar manner to the buildings to the east and northeast of that site, along The Glade and Forest Road respectively, and thus reflect the pattern of development along these roads. It is clear from my findings above that I do not consider that the proposed dwelling on Plot 1 would achieve this, within the context of its surroundings. The Kingsworthy

² Ref APP/L3625/A/12/2185895

House scheme is therefore not wholly comparable and does not justify a planning permission in this instance. In any event, each case should be considered on its own merits.

14. The appellant sought pre-application advice and the proposal was looked upon favourably by the Council's officers with a recommendation for approval. I therefore recognise that the Council's decision to refuse the application must be frustrating for the appellant. Nonetheless, the Council are not duty bound to follow the advice of its officers. Moreover, it has set out why it considers the proposal to be unacceptable, having regard to relevant planning policy. As can be seen from my decision, this is a position that I would concur with.

Conclusion

15. For the reasons set out above and having regard to all other matters, including highway safety, outlook and privacy, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR