



Appeal Decision

Site visit made on 13 June 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/L3625/W/19/3222562

Land rear of 127-139 Ruden Way, Epsom Downs KT17 3LW

- 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 M Harverson, The Harnel Group against the decision of Reigate and Banstead Borough Council.
 - The application Ref 18/01920/F dated 12 September 2018, was refused by notice dated 24 January 2019.
 - The development proposed is described as demolition of Nos. 129 and 131 Ruden Way and the erection of 6 new detached dwellings with access from Ruden Way together with car parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Harverson, The Harnel Group against the decision of Reigate and Banstead Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Amended plans were considered by the Council prior to the determination of the planning application reduced the proposed development from 7 dwellings to 6 dwellings. I have therefore considered this appeal on the basis of the plans submitted: RW_PA2 001 rev A, RW_PA2 002 rev A, RW_PA2 003, RW_PA2 004, RW_PA2 101 rev A, RW_PA2 102 rev B, RW_PA2 103 rev A, RW_PA2 201 rev A, RW_PA2 202 rev B, RW_PA2 203 rev A, RW_PA3 001 as this is what the Council based its assessment on.
4. During the consideration of the planning application, in light of the amended plans, the description of development changed from that stated on the application form, on this basis I have adopted the amended description in the heading above.

Main Issues

5. The main issue in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) protected species and habitat.

Reasons

Character and Appearance

6. The site is within a predominantly residential area with varying dwelling types. There is no strong architectural rhythm to the streetscene, although dwellings are typically of a traditional form.
7. My attention has been drawn to a recent planning appeal decision¹ which considered a proposal for 9 dwellings on the site. There are specific differences between the two appeals, which include a reduction in number of dwellings proposed, a reduction in height of the proposed dwellings and changes to the design of the dwellings.
8. The proposed development would be in a linear form, running parallel to Ruden Way and of a traditional design. The proposed dwellings would be set back from the proposed highway, which would be comparable to the set back of properties on Ruden Way. The proposed plot and dwelling widths would also be similar to the existing properties on Ruden Way, notwithstanding the shorter garden lengths and differences in dwelling scale and design. Nevertheless, within close proximity to the site there are several examples of backland development of a denser grain which are not out of character.
9. Spacing between existing dwellings fronting Ruden Way vary, with the Council citing an average gap of 2.5metres. The spacing between dwellings on the appeal site would be below the average. Notwithstanding this the proposed development would comprise detached dwellings and provide more visual gaps between properties than the properties on Ruden Way which are predominately semi-detached.
10. The site has a gentle incline from Ruden Way to the railway line beyond, and also slopes down from the proposed plot 1 to plot 6. Notwithstanding this the separation distances from the adjacent properties, set back from the highway and reduction in height from the previously dismissed appeal would integrate the proposed development into the wider area.
11. Plots 2 to 5 propose tandem car parking arrangements to the front of each dwelling. I noted during my site visit that a significant number of properties on Ruden Way had off street car parking arrangements with many having capacity to accommodate multiple vehicles. I do not consider the proposed car parking arrangement would be incongruous to the area.
12. I conclude that the proposed development would not harm the character and appearance of the area. There is no conflict with Policy Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan (2005) and Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy (2014) which amongst other things seek developments to be appropriate to their setting and local distinctness whilst conforming to the pattern of development in the surrounding area.
13. There is also no conflict with the Reigate and Banstead Local Distinctiveness Design Guide (2004) which amongst other things seeks to ensure visual separation between dwellings is retained and building form and massing should reflect dwellings within the vicinity.

¹ APP/L3625/W/18/3211521

Protected Species

14. The Council do not consider that the proposed development would result in significant effect on existing wildlife habitat. Third Parties have raised the issue that bats have been seen in the area, I note that some of the trees on the site are of a size which could contain suitable roosting features for bats.
15. Paragraph 99 of Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it:
- '...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.*
16. Although the Circular and Planning Practice Guidance² states that surveys should only be required where there is a reasonable likelihood of species being present and affected by the development, it advises that surveys should be carried out before planning permission is granted. Consequently, the Circular advises that surveys should only be required by condition in exceptional circumstances. The Council suggests that a survey can be conditioned; however, as there are no exceptional circumstances this is not an acceptable or appropriate course of action in this case.
17. I therefore conclude on this matter that no substantive evidence has been submitted to demonstrate that the proposed development would not harm any protected species and habitat.

Planning Balance

18. I have concluded that there would not be significant harm to the character and appearance of the area, however this does not outweigh the harm I have identified in terms of the effect on protected species and habitat.

Conclusion

19. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR

² Paragraph: 016 Reference ID: 8-016-20140612