

Appeal Decision

Site visit made on 25 July 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/L3625/W/19/3228549
13 – 19 Shawley Way, Epsom, KT18 5NZ

- 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 BWL Estates against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/02505/F, dated 29 November 2018, was refused by notice dated 14 March 2019.
 - The development proposed is the demolition of No 17 Shawley Way and erection of 5 dwellings and access drive.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the locality; and
 - living conditions for neighbours

Reasons

3. The appeal site is located on the northern side of Shawley Way in between its two junctions with Walkfield Drive to the west and, at a lower level, Garlichill Road to the east. It has an area of some 0.25 hectares and is comprised of the entire curtilage to 17 Shawley Way as well as the end of the rear gardens to nos.13, 15 and 19 Shawley Way. The neighbourhood is mainly characterised by two storey detached dwellings with a lesser number of bungalows. Rear gardens are generally spacious albeit not widely visible; properties are relatively close side to side but design and siting are not rigid.
 4. The surrounding area is characterised by post war development which is identified in the Council's 'Local Distinctiveness Design Guide' (DG) as 1930s-1950s Suburbia and the appearance of the neighbourhood with its mix of properties is generally attractive, informal and with an intriguing landscape dominance and tranquillity to the rear of the homes.
 5. The proposal is as described above and would encompass the erection of three detached 2 storey houses and a pair of semi-detached 2 storey houses with each property being of individual design and in many instances using dormers
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in roofs for the first floor. The proposed homes would be on an east/west axis facing each other across a new access drive from Shawley Way across the demolished no. 17.

Character and appearance

6. It is inevitable with backland development that there will be appreciable change in the environs of a group of extensive back gardens and there is always a balance to be struck when the sheer area of land opens the door to the potential of providing new homes. The aim must be to strive for good quality development which protects character and appearance and does not unduly detract from the local environmental attributes.
7. In terms of this scheme I would assess the elevational treatment of the houses would be pleasing to the eye in their own right and the roof treatments and fenestration would be interesting and are well considered. Taken individually these homes would make a positive contribution to local built form. The entrance driveway across the site of the demolished property would also be well-considered with its initial alignment and landscaped edges.
8. Unfortunately the scheme is let down by the sense of it being cramped, somewhat regimented in alignment, and overly hardsurfaced and car dominated along its central section. The dwellings would be generally too tight to each other and particularly to the edges of the site, the local characteristic of informality of frontage layout and gardens would be missing, and despite some indication of soft landscape, driveways, parking and road surface would unduly prevail centrally.
9. To my mind the difficulties all arise through the proposition being one of overdevelopment; not massively so but enough to constrain the designer and lead to a scheme which to my mind would fail the necessary protection of character and appearance tests. The fact that the site is, and the scheme would be, to some extent 'hidden' does not negate the need to achieve a good quality sympathetic arrangement of new homes in line with local distinctiveness.
10. I therefore conclude that there would be conflict with Saved Policies Ho9, Ho13 and Ho14 in the Council's Local Plan 2005 (LP). Taken together and amongst other matters these policies call for well designed development of suitable scale, form and appearance relative to the aesthetic qualities of the immediate and wider location and underline that the maintenance of the character of an area will normally be the prime consideration when residential development is contemplated. This is reflected in the DG and whilst that document cannot be expected to cover every eventuality the appeal scheme would run contrary to its relevant objectives.

Living conditions

11. I mention above the proximity to site boundaries of the planned development and regrettably this would lead to loss of amenity for neighbours. The side flank of Plot 3 would be too close and too high relative to the side of the rear garden of No 15 Walkfield Drive. I appreciate that this existing property's garden is a long one but nevertheless its amenity quality deserves protection. The fact the at the proposed flank wall would lie on its southern side adds to my concerns.

12. The flank wall of Plot 4 is on the face of it more considerate with its catslide approach. However levels and openness run against this structure and to protect outlook from No 38 Garlichill Road's curtilage and safeguard this garden amenity there should, to my mind, be provision for greater landscape between the new side wall and the shared boundary. Significant landscape and greater separation along this edge with this running into the new back garden would also help mitigate a concern I have about this home being overly dominant in the oblique but close outlook from the rear of No 38 itself and not only its garden.
13. No 40 Garlichill Road has one of the shortest gardens to be found locally and that property is set appreciably below the level of the site and planned homes on Plots 4 and 5. This arrangement, combined with the relatively short rear gardens allowed for on these two plots means that, even with some degree of intervening vegetation, there would be marked dominance arising from the new buildings. This overbearing sense would be most uncomfortable for the occupiers of the existing home who would fairly anticipate reasonable continuance of a feeling of spaciousness and landscape predominance in this suburban setting.
14. In summary the scheme would unreasonably impinge on residential amenity for neighbours and the outlook they would expect, to a reasonable degree, to be preserved and rightly protected.
15. Previously cited LP Saved Policies Ho9, Ho13 and Ho14 also seek to safeguard living conditions of neighbours. I conclude that this development would run contrary to these policies.

Other matters

16. I have carefully considered all the other matters drawn to my attention by interested parties. However none of these add to my reasons for dismissing the appeal.
17. The provision of additional homes would bring benefits but my concern rests with the environmental and amenity harm which would be caused. I appreciate that the Appellant has made considerable effort to overcome the previously refused scheme (16/02395/F) for this site which was dismissed at appeal (APP/L3625/W/16/3167589). Unfortunately the proposal before me does have the flaws which I have identified. I did note other examples of 'backland' development locally and would agree with the Appellant, and indeed the Council, that in certain situations and with an appropriate layout there would be no objection in principle to this approach to new development in the area. The local examples drawn to my attention do not create a precedent for the appeal proposal; there are appreciable variations in context, access, layout and/or dwelling numbers. In any event I must determine the case before me on its own merits. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
18. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

19. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on character and appearance of the locality and on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR