



Appeal Decision

Site visit made on 17 April 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2019

Appeal Ref: APP/L3625/W/19/3221810

Rear of 86 – 90 Partridge Mead, Banstead, SM7 1LP

- 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 and Banstead Borough Council.
 - The application Ref 18/01361/F, dated 21 June 2018, was refused by notice dated 02 November 2018.
 - The development proposed is erection of four dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of four dwellings at 86 – 90 Partridge Mead, Banstead, SM7 1LP in accordance with the terms of the application, Ref 18/01361/F, dated 21 June 2018, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issue is whether the effect of the development on the character and appearance of the area would be acceptable, with regard to the layout of the units at the site and the design of the access road.

Reasons

3. The appeal site comprises parts of the rear gardens of three properties on Partridge Mead. It is proposed to build two pairs of two-storey, semi-detached houses at the site. They would be accessed from Hornbeam Close, a road that serves a new development of a 'back-land' character, similar to the appeal proposal.
4. The size of the plots and the arrangement of the houses on them at the appeal scheme would be of a different character to houses on Partridge Mead (which typically have long gardens and houses set in by a reasonable distance from site boundaries). However, the appeal scheme would for the most part, be experienced in the context of the newer houses on Hornbeam Close and it is more appropriate that the appeal scheme reflects that character.
5. The proposed houses would be arranged on their plots similarly to those properties, with space to the front and the rear and smaller gaps between the sides of the buildings and the edges of the plots. Whilst the side elevation of

- Plot 7, in particular, would be quite near to the side boundary, so are other properties on Hornbeam Close.
6. The appeal site is irregularly shaped, but I do not see that this has prevented an acceptable layout having been achieved. Cars parked in the spaces to the front of the properties, given their modest scale and the space around the parking areas, would not have any great impact on the character of the development.
 7. The Council is concerned that the manoeuvring arrangements for larger vehicles to and from the site would emphasise what they see as a cramped layout. There is no evidence before me that those arrangements would not be safe and visits to the houses by large vehicles would not be so frequent as to result in any lasting impact on the appearance of the development.
 8. The proposed houses would be accessed from Hornbeam Close. This is an existing road serving occupied properties. There is no suggestion that it cannot safely accommodate traffic associated with a further four dwellings. I can see no reason why it should now be considered 'narrow and awkward' where it has been found acceptable by the Council previously. It appeared to me to be perfectly suitable for its intended use.
 9. Overall, I am satisfied that the proposal would not appear cramped or overdeveloped and that it would be consistent with the character of properties around it. Accordingly, I find that the effect of the development on the character and appearance of the area would be acceptable, and that it would be in accordance with saved policies Ho9, Ho13 and Ho14 of the Reigate and Barnstead Local Plan 2005, which seek, amongst other requirements, to secure high-quality development that is appropriate to its context, including where the development of back gardens is proposed.
 10. The Council has made reference to a 'Local Distinctiveness Guide' in their submissions. I do not have that before me but am satisfied, in any event, that the proposal is acceptable for the reasons that I have described.

Other Matters

11. I was asked to view the site from the garden of No 84 Partridge Mead and I did so. Whilst I could see that the development would clearly be visible from that garden, particularly at the bottom end of it, viewing the site from that position did not change my overall conclusions as to the acceptability of the proposal.
12. I have paid careful attention to the third-party representations that have been submitted. These raise a range of concerns, including highways safety and parking, privacy and the impact on wildlife and trees. These matters have not been advanced by the Council and in the absence of evidence to demonstrate that they should warrant the refusal of planning permission, they do not alter my overall conclusions. I am satisfied that existing, non-planning legislation should control impacts associated with the construction of the development.
13. Further matters relating to private refuse arrangements, the adequacy of existing public lighting and whether or not existing residents anticipated further houses being built near to them are not matters for this appeal.

Conditions

14. The Council has suggested a range of conditions for the event that this appeal was allowed. The appellant has raised no objection to them. Where I have imposed conditions in line with those put forward, I have adjusted them in places for clarity and brevity.
15. I have imposed conditions requiring that the development is commenced within three years and in accordance with the approved plans. I have also attached conditions requiring details of materials and landscaping at the site, although I do not agree with the Council that these need to be 'pre-commencement' conditions. These are required to ensure that the appearance of the development would be of a suitable quality. I have also attached a condition requiring compliance with the submitted Arboricultural Report, so as to protect existing trees from unnecessary harm.
16. The Council has suggested a condition requiring that first floor side windows are obscurely glazed and non-opening. Given that these windows serve bathrooms, it is likely that the appellant would install such glazing in any event, but I have attached it as a precaution, given the close relationship of neighbours on both sides of the site.
17. The Council has sought a condition removing a range of Permitted Development Rights for future occupiers of the houses. I have considered this carefully, and in the context of the National Planning Practice Guidance. I am satisfied that given the size of the plots and the relationships with existing and proposed neighbouring properties, it would be appropriate to withhold such rights under Classes A (the enlargement, improvement or other alteration of a dwelling house) and B (the enlargement of a dwelling house consisting of an addition or alteration to its roof). I see no such justification for withholding rights permitted by Class C, however.

Conclusions

18. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 073-01-11 revision B, 073-01-13 revision A, 073-01-14 revision A, 073-01-15 revision A, 073-01-16 revision A, 073-01-18 revision A, 073-01-19 revision A and 181020/TR/02.
- 3) The development shall be carried out in accordance with the Arboricultural Report dated 11 April 2018.
- 4) No development above ground floor slab level shall take place before samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground floor slab level shall take place before a scheme for the landscaping of the site has been submitted to and approved in writing by the LPA. The scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications, schedules of plants, species, plant sizes and proposed numbers/densities and an implementation and management programme.

The approved scheme shall be completed in accordance with the approved details prior to the first occupation of a dwelling at the site or within the first planting season following the first occupation of a dwelling at the site.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

- 6) The first-floor windows in the side elevations of the dwellings hereby approved shall be glazed with obscured glass and shall be non-opening below a height of 1.7 metres above internal floor level. This form of glazing shall be permanently retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A or B of Part 1 of the Second Schedule of the 2015 Order shall be constructed without planning permission first having been sought and obtained from the local planning authority.

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