
Appeal Decision

Site visit made on 26 June 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/L3625/W/19/3222296

43 Waterhouse Lane, Kingswood, Surrey KT20 6EB

- 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 Anthony Raffini, Symphony World Travel against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/01355/F, dated 14 June 2018, was refused by notice dated 18 September 2018.
 - The development proposed is two storey office building of 124.2 m2 double car port two bed flat over.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and, the living conditions of neighbours with regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is one half of a pair of two-storey, semi-detached properties which are part of a local shopping parade along Waterhouse Lane. Land associated with the appeal property extends to the side and rear of it, and also to the rear of the neighbouring property, to the west. Most of this land rises steeply from the rear of the property and is free of any significant development.
4. The principal properties facing the highway are predominantly three-storey in a variety of designs and forms, including a substantial detached block incorporating dormers. The ground floors of these buildings are in a range of commercial uses and the upper floors of some of these buildings, including the appeal property are in residential use.
5. To the rear, plots associated with the afore mentioned properties are occupied in various ways, including extensions, detached buildings, along with amenity and vehicle parking areas. On certain plots the coverage of built development is extensive. Nonetheless, this development is predominantly of a simple form, single-storey or located on excavated land and therefore low-lying. This is characteristic of the prevailing pattern here, where development is generally subordinate to the prominent host properties facing Waterhouse Lane.

6. In contrast, due to the topography of the site, the proposed building is to be accommodated over two levels, it would also include accommodation in the roof space with dormers to facilitate this. Most notably, in views from within the site and surrounding land, it would have a similar height to the appeal property, and along with its elongated footprint the new building would be sizeable. As a consequence of these factors, combined with its proximity to the appeal property, the proposal would introduce an uncharacteristically prominent and incongruous form of tandem development.
7. Consequently, the proposed development would harm the character and appearance of the area, contrary to Policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Local Plan 2005 (LP) and Policies Cs1 and Cs4 of the Reigate and Banstead Core Strategy 2014 (CS), which seek to secure sustainable and high-quality developments, which maintain the general pattern and form of development and are of an appropriate scale which is not detrimental to the character and appearance of the surrounding area.

Living conditions

8. The new building would be in proximity of the rear facing first-floor window of the flat (No 43a) at the appeal property, and the flat above 10 Waterhouse Lane (No 10a) which includes an outdoor amenity area. As a consequence of this arrangement, the new building would have a dominant and enclosing effect on these windows and amenity area. These windows and amenity area would also be extensively overlooked by the upper-floor windows along the south elevation of the new building.
9. For the above reasons, the proposed development would have an unacceptable adverse effect on the living conditions of the occupiers of No 10a and 43a with regard to outlook and privacy. This would be in conflict with Policies Ho9, Ho13 and Ho14 of the LP and Policy Cs1 of the CS which aim to secure sustainable developments that safeguard the living conditions of existing occupiers.
10. The Council's second reason for refusal in its decision notice also refers to Policy Cs4 of the CS which relates to issues of character and appearance. Therefore, it is not directly applicable to the effects on living conditions.

Other Matters

11. I note that the appellant has submitted an amended scheme in light of a previous refusal. I also acknowledge that the land to the rear of the appeal property has been vacant for a considerable period and is in a sustainable location. Also, the proposal would generate employment opportunities along with additional housing for the area. Nonetheless, these matters do not outweigh the harm I have identified in respect of the main issues.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR