



Appeal Decision

Site visit made on 2 September 2019

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/L3625/W/19/3221756

Holmwood, 53 The Avenue, Tadworth KT20 5DB

- 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 Jones on behalf of Care Expertise Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 17/02279/F, dated 1 October 2017, was refused by notice dated 3 August 2018.
 - The development proposed is full planning application for rear extension to provide 11 care bedrooms, relatives bedroom, office, staff room, bathroom, residents lounge, lift to all floors and rear first floor roof terrace garden and increase in parking provision from 11 to 14 car parking spaces and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension to provide 11 care bedrooms, relatives bedroom, office, staff room, bathroom, residents lounge, lift to all floors and rear first floor roof terrace garden and increase in parking provision from 11 to 14 car parking spaces and all associated works, at Holmwood, 53 The Avenue, Tadworth KT20 5DB, in accordance with the terms of the application Ref 17/02279/F, dated 1 October 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. Revised plans were submitted during the planning application process and were subject to the Council's decision. I have based my decision on these revised drawings.
3. The site benefits from an extant planning permission¹ for the conversion of roof space to create 6 care home bedrooms and increase in parking provision from 11 to 14 car parking spaces. The appellants' submitted a Unilateral Undertaking² (UU) during the appeal and the Council have had the opportunity to comment on it. The UU would ensure that the appeal development could only be carried out and completed on the basis that the existing planning permission is not completed or brought into use. I will return to this matter.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

¹ Council Ref 15/02261/F.

² Signed and dated 12 September 2019.

Reasons

5. The appeal site slopes up in a southern direction from The Avenue and comprises a detached care home surrounded by residential use. The site has a verdant character due to its vegetated boundaries and Lothian Wood to the rear. Trees and generously sized properties set back from the highway give the streetscene along The Avenue a verdant and spacious character.
6. As the submitted evidence indicates that only a limited number of trees would be removed, the site's verdant character (including that of Lothian Wood) would be maintained. Although the proposal would increase the extent and depth of built form at the site, views from The Avenue would be screened by the existing care home building and site boundary vegetation. In addition, the height and mass of the development combined with the proposed site level alterations would reduce the visual presence of the proposal. The proposal would be at its most visible from near the rear access drive to the front of the site. However this would be a glimpsed view of a small section of the proposal towards the rear of the site and would be seen within an extensive verdant context. Thus the spacious character of The Avenue would remain. In addition, despite the depth of the rear extension, based on the appellants' calculations (not disputed), the roof garden element would result in a net gain of garden space at the site.
7. The difference between the footprint of development at the site and adjoining properties would be further increased, and Policy Ho13 sets out that only proposals which conform to the surrounding pattern of development will be permitted. However, the policy's amplification text acknowledges that it is important to understand the relationship of the site to its surroundings and the area with which it is seen, and understood, in order to determine the character which should be maintained. In this case, owing to the visual containment of the proposal and the design proposed, the development would maintain local character as sought by policy. For similar reasons, including the separation distances involved, the proposal would not result in harm to the Tadworth Conservation Area which is to the east of the site.
8. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of Local Plan policies Ho9, Ho13 and H021 and Policy CS4 of the Core Strategy, and paragraphs 124 and 127c of the National Planning Policy Framework (the Framework) which are of most relevance. Of relevance these requirements combined seek to ensure that development is designed to a high standard and maintains local character and distinctiveness.

Other Matters

9. Concern has been raised regarding drainage, light and air pollution, sewage capacity, safety, wildlife habitat, vehicular parking, highway safety and traffic. However no compelling evidence has been submitted to substantiate these concerns and I note that the Council has raised no concerns in these respects. As such dismissing the appeal on these grounds would not be justified.
10. Based on the separation distances involved, the design proposed and the vegetated site boundaries, the proposal would not result in a material loss of privacy for neighbouring occupants. In the context of the existing site use, the overall scale of development proposed, and the submitted evidence, dismissing

the appeal on grounds of noise and disturbance would not be justified. Although some inconvenience would be incurred for local residents during construction, this would be for a temporary period only.

11. The issue of impact on property values and private views has also been raised. However it is a well-founded principle that the planning system does not exist to protect private interests such as land or property value. I am also mindful of the accepted position taken by the Courts that the right to a private view is not a material consideration in planning matters.

Planning Obligation

12. Paragraph 56 of the Framework sets out that planning obligations must only be sought where they are necessary, directly related to the development, and fair and reasonably related in scale and kind to the development. I am satisfied that the submitted UU would comply with paragraph 56 of the Framework, particularly as in its absence the implementation of both the proposal and the previously permitted scheme would result in the appeal building having an incoherent visual appearance and poor design.

Conditions

13. Where necessary the suggested conditions have been amended to comply with paragraph 55 of the Framework and advice given in the Planning Practice Guidance.
14. I have imposed a condition specifying the relevant drawings that were subject to the Council's decision as this provides certainty. It is necessary for the external construction materials of the development to be agreed prior to the commencement of development to ensure that the development has a satisfactory appearance. A condition to ensure that the submitted tree protection measures are implemented prior to commencement of development is necessary to preserve local character. A condition relating to vehicular parking and turning areas prior to occupation of the development is necessary in the interests of highway safety.
15. Although not suggested by the Council, the Highway Authority have suggested a condition to secure a Travel Statement. However I note the existing site use, the appellants' Parking Study-Technical Note (not disputed), the scale of development proposed, and the proximity of public transport facilities. Moreover, as a compelling case has not been made to demonstrate that this condition is necessary to make the development acceptable in planning terms, it is not included.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 1:1250, Existing Site Plan 761-01, Existing Ground Floor Plan 761-02, Existing First/Second Floor Plan 761-03, Existing Elevations 761-04, Topographic Survey 2198-01a A, Proposed Ground Floor Plan 761-05D, Proposed First/Second Floor Plan 761-06E, Proposed Elevations 761-07B1, Proposed Site Plan 761-08A, Proposed Section A-A 761-09A1, Tree Constraints Plan P2394.2 001, Tree Protection Plan P2394.3 002A.
- 3) No development shall take place until written details 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, and on development shall be carried out in accordance with the approved details.
- 4) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purposes.
- 5) No development shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Tree Protection Plan P2394.3-002A dated 17 November 2015 and Arboricultural Method Statement within the Arboricultural Impact Assessment P2394.4.1 dated 22 January 2018 compiled by agb Environmental.