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## 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: 16 October 2019**

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**Appeal Ref: APP/L3625/W/19/3223979**

**Devon House, The Warren, Kingswood KT20 6PQ**

- 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 S Dupenios and Ms A Gillison against the decision of Reigate & Banstead Borough Council.
  - The application Ref 18/02342/F, dated 5 November 2018, was refused by notice dated 14 January 2019.
  - The development proposed is the erection of two detached dwellings with detached double garages following the demolition of the existing dwelling and outbuildings.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. As part of this appeal the appellant has submitted drawings 72/03 Rev A, 72/04 Rev A, 72/06 Rev B and 72/07 Rev A (revised drawings). On the revised drawings the detached double garage for the dwelling at Plot 2, as shown on the drawings submitted with application Ref 18/02342/F has been removed. The removal of the garage reduces the quantum of development proposed at the site and the Council has not expressed any objection to this. I have therefore accepted the revised drawings as substitutes for drawings 72/03, 72/04, 72/06 Rev A and 72/07 in determining the appeal, and I do not consider that the interests of any party have been prejudiced by my having done so.

### Main Issues

3. The main issues are the effect of the proposed development on the character of the Residential Area of Special Character; and, a protected oak tree (T8).

### Reasons

#### *Effect on Residential Area of Special Character*

4. The appeal site forms part of The Warren and The Glade Residential Area of Special Character (RASC). I acknowledge that the area has evolved and seen development over the years, including the subdivision of larger plots. There are also examples of terraced and semi-detached properties, along with dwellings located in proximity of each other, and some variance in plot sizes. Nonetheless, the prevailing characteristic of the RASC taken as a whole, is of an attractive semi-rural estate of large individually designed detached houses,

that are set within spacious and landscaped plots. This establishes a strong sense of place which gives the area its special quality.

5. Despite being largely concealed from public views, the appeal site which comprises a large detached chalet bungalow ('Devon House') and a number of outbuildings is located within a spacious and verdant plot and shares these characteristics with neighbouring properties and the RASC. Therefore, it makes a positive contribution to its special quality. The quality of the RASC is appreciated whilst travelling around the area and from within individual plots, such as the site.
6. Devon House and its outbuildings would be demolished to facilitate the redevelopment of the site for two detached chalet bungalows of similar appearance and scale. Both dwellings would be served via the existing gated access and driveway off The Warren and would incorporate traditional forms and materials which are informed by the varied local architecture. Nevertheless, the existing plot would be sub-divided into two roughly equal parts. These resultant plots would be significantly smaller than the average plot size for the area of 0.26ha, as identified in the appellant's evidence.
7. Due to their generous footprints and overall heights, the proposed family dwellings would be sizeable. These would be sited in proximity of each other, a double garage, and boundaries to the site. Combined with the sub-division of the plot, relatively small rear amenity areas, minimal front gardens and associated parking and turning areas, this arrangement would result in a significant intensification of development within the site. Consequently, this would not reflect the established pattern of development here, where the dwellings benefit from spacious plots and generous separation.
8. The appellants argue that the site is in a back-land location and extensively screened. Land and buildings that cannot be seen in public views play a less significant part in maintaining the character of an area. However, this does not diminish the character or, as in this case, the context of the RASC, which is illustrated by the appeal site at present.
9. An extant planning permission<sup>1</sup> for a detached dwelling exists for the site, which the appellants rely on as a 'fall-back'. The approved dwelling would be in the broad location of the proposed dwellings and also incorporates a greater mass. Nonetheless, the approved scheme does not alter the overall plot size and therefore reinforces the prevailing character of the RASC. I have also been referred to schemes allowed on appeal in the area. Whilst the extent of public views is a consideration in these schemes, in the case of Tregenwyn, the new dwellings achieve a significant degree of separation from each other. The proposals at 'Fairlawn' and 'Kingsworthy House' were found to retain the spacious character of the area. As such, these schemes are not comparable to the appeal scheme before me. In any event, each proposal is determined on its merits.
10. Consequently, the above arguments do not amount to justification for an uncharacteristic development, which is inconsistent with the prevailing pattern of development and would erode the special quality of the site and the RASC, even if this is only experienced from within the site. Therefore, having regard to the supporting text to Policy Ho 15 of the Reigate and Banstead Borough

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<sup>1</sup> Ref: 18/01654/F

Local Plan 2005 (LP), in this case, the particular circumstances in relation to the plot or the proposal do not amount to exceptional reasons in support of the scheme.

11. Drawing on the above reasons, the proposed development would harm the character of the RASC. As such, there is conflict with Policy Ho 15 of the LP, which amongst other things only permits proposals that are compatible with the existing character of the residential area; provide spacious gardens; maintain generous spacing between buildings and do not result in plot sizes significantly smaller than those prevailing within the surrounding area.
12. The proposal also fails to accord with the aims of Policies Ho 9 and Ho 13 of the LP which amongst others require that proposals conform to the surrounding character and pattern of development and reinforce local distinctiveness.

#### *Effect on protected tree*

13. Based on the revised drawings the amended layout would not affect the protected oak tree (T8). As such, I find no conflict with Policy Pc 4 of the LP which seeks to protect and conserve the tree cover in the Borough.

#### **Other Matters**

14. Although the National Planning Policy Framework supports sustainable development including the provision of new homes, it also recognises the desirability of maintaining an area's prevailing character and setting, including that of residential gardens<sup>2</sup>. Furthermore, an additional dwelling and the limited benefits associated with this would not outweigh the harm I have already identified and overall conflict with the development plan. Therefore, I do not regard the proposal to be sustainable development.
15. The absence of conflict with other policies of the development plan, lack of harm to the living conditions of neighbours and the retention of existing landscaping are neutral factors, which do not weigh in favour of the proposal.

#### **Conclusion**

16. Although I have found that the proposed development would have no adverse impact on the adjacent protected tree, this does not outweigh my findings in respect of the harm to the character of the RASC and overall conflict with the development plan. For the above reasons, I conclude that the appeal should be dismissed.

*M Aqbal*  
INSPECTOR

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<sup>2</sup> Paragraph 122, National Planning Policy Framework