



Appeal Decision

Site visit made on 5 August 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 October 2019

Appeal Ref: APP/L3625/W/19/3228781

The Paddocks, 50 Meath Green Lane, Horley RH6 8HY

- 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 Branton of Virtue Property Group against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/02496/F, dated 13 November 2018, was refused by notice dated 30 April 2019.
 - The development proposed is construction of two detached houses with associated landscaping and access to Meath Green Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on;
 - the character and appearance of the area, including trees, and
 - the living conditions of occupiers of The Paddocks.

Reasons

Character and Appearance

3. The site is within the substantial front garden of The Paddocks. The Council highlights that this is a locally listed building which forms part of a group of locally listed buildings. The buildings form part of a model farm with a large farmhouse, Greenfields, built in 1851. The grounds include an ornamental pond designed as part of the grounds of Greenfields, enlarged from an earlier pond and contains a large number of mature trees and hedging. This forms part of the appeal site.
4. In addition to the local listing, the area is designated as a Residential Area of Special Character (RASC). The Council describes the area as having spacious plots, being unified in character with consistent mature landscaping and Arcadian layout, and rural style. I saw this on my site visit, with the property accessed from an informal access serving a cluster of rural style buildings, in a mature sylvan setting and with natural building and surfacing materials.
5. The proposal would be in the front garden of The Paddocks, a non-designated heritage asset given its local listing status. This would remove a substantial part of the frontage associated with the building and wider model farm. It would also remove much of the historic ornamental pond, with the remnant

then isolated from its original setting. This would appear harmful to the rural character of the building and wider cluster of buildings which are set within a clear, regular and well-defined wider plot, served from the shared access route. This form appears to reflect the historical use and association of buildings, contributing to its significance, so the harm to this, alongside the loss of the ornamental pond and frontage would be significantly detrimental to the non-designated heritage asset.

6. The RASC is characterised by large plots with mature trees and landscaping, served by the central access. Whilst the proposal might create adequate plots in isolation, accommodating two substantial 'villa' properties, these would appear cramped and significantly below the character of the area. The separate frontage access would also appear incongruous to the very distinctive pattern of development in the cluster of buildings, despite the slight stagger to the positioning to respond to wider building lines. It would also result in the substantial loss of frontage hedgerow to provide access, losing part of the mature boundary feature which is distinctive of the rural enclosure of the buildings and currently unbroken along the frontage of the property.
7. The particular plain design of the properties do not pick up the design characteristics or proportions of the surrounding development, which is mostly rural and vernacular rather than 'opulent'. The two storey height and significant roof form would dominate the lower existing building to the rear, despite seeking to reflect the scale and massing of development elsewhere in the streetscene. The mirroring form of the pair proposed would also harmfully stand out by failing to reflect the variety of design within the street, despite views being partially screened by the remaining hedgerows and mature trees.
8. The proposal results in the loss of trees and is adjacent to a number of others. One of the Council's reasons for refusal is due to the lack of information regarding the effects of development on these retained features. The appellant has produced an arboricultural impact assessment (AIA) and tree protection plan (TPP) alongside the appeal. This identifies the retention and protection of a number of key features which would be achieved during the development. Therefore, I am satisfied that this evidence has been provided, albeit that I consider the scheme to be unacceptable for other reasons.
9. Therefore, the proposal would be harmful to the character and appearance of the area, including to the significance of the non-designated heritage asset. Consequently, the proposal would be contrary to policies Ho9, Ho13, Ho15, and Pc10 of the Reigate and Banstead Borough Local Plan (2005) (LP), the guidance within the Reigate and Banstead Local Distinctiveness Design Guide (2005) (SPG) and the provisions of the National Planning Policy Framework (2019).
10. Taken together, and amongst other objectives, these require development to not be detrimental to the character of the area in terms of scale, to conform to the pattern of the area and not to detract from the character or setting of locally listed buildings. They also seek to protect, conserve and enhance the tree cover and ensure that existing trees, vegetation, watercourses and other interesting features are retained.
11. British Standard 5837: 2005 'Trees in Relation to Construction - Recommendations.' was included in the Council's reason for refusal. The submitted AIA and TPP demonstrate that trees not subject to removal could be

adequately protected during construction and therefore I do not consider that the proposals would be contrary to this standard.

Living Conditions

12. Plot 2 would have upper floor rear facing the host dwelling set approximately 8.5 metres from the boundary. Whilst this boundary would be to the front garden of the existing dwelling, given the orientation of the access to the side, it is used as a private garden space. The proposal would introduce a level of overlooking in close proximity and have a harmful effect on the living conditions of occupiers of the existing building within their private outdoor space, despite the partial screening from the outbuilding and existing trees.
13. The proposal would therefore cause significant harm to the residential amenities of this property contrary to policies Ho9, Ho13 and Ho15 of the LP and guidance within the SPG. Taken together, and amongst other objectives, these require that the layout and design of proposals should not seriously or unreasonably affect the amenities of adjoining properties and those proposals within a RASC must maintain the high level of privacy and residential amenity associated with such areas.

Other Matters

14. I recognise that the proposal would result in two new family homes and retain many of the trees on the site. However, this does not outweigh the harm I have identified.

Conclusion

15. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR