
Appeal Decision

Site visit made on 9 October 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/L3625/W/19/3233388

Crossways, Fir Tree Road, Banstead SM7 1NA

- 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 Underwood against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/01908/F, dated 7 September 2018, was refused by notice dated 21 January 2019.
 - The development proposed is erection of 2 x 4 bedroom dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development on the character and appearance of the area, with particular regard to:
 - The visual impact on the setting of the locally listed buildings of Crossways and Driftways Cottage; and
 - The potential damage to protected beech tree T16.

Reasons

3. The appeal site is located in a prominent corner location to the northwest of Fir Tree Road and close to the traffic-lighted junction of the road with Reigate Road and the B291. The host property, Crossways, comprises one half of a locally listed pair of semi-detached dwellings directly fronting the road junction. The land level of the rear garden rises northwards towards the back of the site. The landscaped and treed rear garden, together with a group of mature trees to the north of the site within the neighbouring properties in Grey Alders, provide a pleasant, verdant backdrop to the host dwelling and adjoining property. In this respect, a mature beech tree T16 dominates the protected group and plays a significant role.
4. The immediate area comprises a mix of suburban residential properties, of varying designs, largely dating from between 1930s to 1950s, together with commercial uses including the Drift Bridge Local Shopping Centre and car dealership premises to the south and southwest.

5. Both parties are agreed that the host property and its neighbour were built circa. 1890 and remodelled and extended in 1909 by the architect Langton Dennis, with further additions by the appellant. Notwithstanding the appellant's concerns about the merits of locally listing the buildings, the current position is that they remain locally listed, and I must determine the appeal having regard to this fact and any relevant development plan policies.
6. The Council's Committee Report with respect to the proposed local listing of the buildings, dated 19 December 2012, confirms that the listing was due to their quality of design in a landmark location, due in part to the remodelling of the cottages by the Crowborough architect Langton Dennis in 1909.
7. The dwellings comprise a one and half storey, brick finished, traditionally designed, pair of cottages, with a plain tiled pitched roof. Notwithstanding that the host property has been extended since originally built, it has, nonetheless, retained its original integrity. The building has a modest scale, and the first floor sits firmly within the roof form, with first floor windows extending to below the eaves height. During my site inspection, I found that the properties present an attractive frontage to the street scene, which is complemented by their verdant backdrop. They stand out within the context of the surrounding mixed commercial and suburban housing environment where there are few properties of their age. The buildings and green backdrop are widely visible in public views due to the prominent corner position of the site fronting the road junction, and the rising land level to the rear of the buildings. The site as a whole makes a positive contribution the streetscene and visual amenities of the surrounding area.
8. There is no objection to the principle of new residential development on the appeal site. In this respect, I have noted the variety of different building styles within the site vicinity and I acknowledge that the Council may have approved similar styles of design detailing to that currently proposed elsewhere in the Borough.
9. However, the appeal proposal would introduce two detached dwellings of a substantial four-bedroomed size into the elevated rear garden area of the host property, having a significant impact on the aforementioned context of the locally listed buildings and their setting. Although designed to be split level and having a modestly scaled appearance when viewed from the east, it is the three storey west and south elevations that are most critical in defining how the proposal relates to the host property. In this respect, the combination of the full three storey height at the rear, and the bulky main roof form incorporating wide span side gables, serve to illustrate how the two new buildings would be of a scale which would visually dominate the modest scale of the one and half storey host property and its adjoining neighbour.
10. The perceived visual dominance of the new buildings within the setting of locally listed buildings would be exacerbated by the large amount of glazing on the rear elevation and lack of consistency in window design and sizes and materials throughout the new buildings. These design details serve to draw further attention to the new buildings and emphasise their incongruity in relation to the host property. Whilst acknowledging that that detailed design elements incorporated into the proposed new dwellings may not be unacceptable elsewhere in the Borough, within the context of the appeal site,

the proposal is considered to be harmful having regard to the need to respect the setting of the locally listed buildings.

11. The proposed dwelling B would encroach into the Root Protection Area of the protected beech tree T16 and a large part of the private garden of that property would be dominated by its canopy. The tree is of high visual amenity value, providing a significant proportion of the verdant backdrop to the appeal site and is visually prominent in wider views within the surrounding area. The planning application supporting Arboricultural Impact Assessment asserts that appropriate construction measures could be undertaken to protect the tree during building works. However, notwithstanding this, the tree appears to be healthy and will continue to grow and as such, given its likely increasing future dominance over the private garden of plot B, there is a strong possibility that future occupiers would want to undertake pruning or similar works to the tree, which have the potential to prejudice its long term health and amenity value. Although the tree is protected and is within the ownership of the neighbouring property owners, the potential for future damage to the tree arising directly from the appeal proposal would conflict with the Council's confirmed intention to protect this tree and would present a credible threat of causing harm to the visual amenities of the area.
12. For the above reasons, the appeal proposal would relate poorly to the adjoining locally listed buildings at Crossways and Driftways Cottage, resulting in a detrimental impact on their setting, and on the character and appearance of the wider area. This harmful impact has the potential to be exacerbated by future pressure to carry out works to the protected beech tree T16 due to its proximity to dwelling B and its garden. As such, the appeal proposal does not accord with Policies Pc4, Pc10 and Ho9 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy July 2014 which, amongst other things, require new development to be of a high standard of design and layout which maintains and enhances the built environment, to be designed sensitively to respect, conserve and enhance the historic environment, including heritage assets and their settings, not to detract from the character or setting of Locally Listed Buildings, and to protect, conserve and enhance tree cover within the Borough. For similar reasons, the proposal would also be contrary to Policies of the National Planning Policy Framework (the Framework) which seek to secure high quality design as set out in Chapter 12.
13. Paragraph 197 of the Framework requires a balanced judgement when weighing applications that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. The appeal proposal would be located in an accessible location, close to the community facilities and services and public transport connections in Drift Bridge Local Shopping Centre. The proposed two additional residential units would bring economic and social benefits, including construction jobs, increased local spend and sustainably located new homes boosting the supply of housing in an area of identified need. However, whilst these benefits can be afforded a modest degree of weight in favour of the scheme, they are significantly and demonstrably outweighed by the harm the development would cause to the setting of the non-designated heritage assets of the locally listed buildings.

Other Matters

14. The appellant refers to the Council's pre-application advice dated 2 May 2018 which has resulted in an amended scheme from that originally proposed. Whilst the changes to the scheme have been noted, this does not alter or outweigh my conclusion on the main issue. In any event, I am not bound by the advice given by the Council prior to the submission of the planning application.
15. My attention has been drawn to a previous planning application to demolish Crossways and Driftways Cottage and build 23 flats which was refused and dismissed at appeal in 2007/2008. Whilst the impact on the character and appearance of the area and on protected trees were material considerations, that scheme related to a very different proposal than that of the current appeal. Also, notwithstanding that no objection was raised at that time to the demolition of the existing dwellings, the determination of that scheme predated the Local Listing of the cottages in 2012. There is no extant permission for their removal, and I must determine the current appeal on the basis of existing planning policy in relation to their status as locally listed buildings.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR