



Appeal Decision

Site visit made on 1 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/L3625/W/18/3196315

Winscombe, Furze Hill, Kingswood, Surrey KT20 6EP

- 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 Philippe Weldin against the decision of Reigate & Banstead Borough Council.
 - The application Ref 17/02188/F, dated 15 September 2017, was refused by notice dated 26 January 2018.
 - The development proposed is demolition of existing building, erection of 2 no. 2 storey buildings with accommodation in roofspace comprising total of 14 two bed apartments & 28 parking spaces.
 - This decision supersedes that issued on 2 October 2018. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of the existing building, erection of 2 no. 2 storey buildings with accommodation in roofspace comprising total of 14 two bed apartments & 28 parking spaces at Winscombe, Furze Hill, Kingswood, Surrey KT20 6EP in accordance with the terms of the application, Ref 17/02188/F, dated 15 September 2017 and the plans submitted with it subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant has submitted a completed Unilateral Undertaking (UU) dated 20 December 2017 to secure a financial contribution towards affordable housing provision in accordance with the Council's policies.
3. Planning permission has been refused and an appeal dismissed to a similar development for 14 two bedroom units in two buildings at the site¹. The appeal Inspector concluded that development under consideration at that time would amount to a visual enhancement of the area, but that there would be adverse impacts on the living conditions of the occupiers of adjacent dwellings. Firstly, on Littlethorpe through an overbearing effect and overlooking from first floor windows and secondly on the occupiers of immediately adjacent properties through loss of privacy in relation to second floor balconies to both buildings. This appeal decision is a material consideration in the determination of the current appeal.

¹ 15/02328/F and APP/L3625/W/16/3167710

Main Issue

4. The Council refused the current appeal proposal due to its impact on Littlethorpe only. However, given what I have set out above in relation to the previous appeal decision, the main issue in this appeal is the effect of the scheme on the living conditions of the occupiers of Littlethorpe and the other immediately adjoining dwellings, with regard to outlook and privacy.
5. Residents have raised objections to the proposal in respect of other issues. I have regard to these in my decision.

Reasons

6. The site is a triangular corner plot at the junction of Furze Hill and St Monica's Road. It comprises a vacant former nursing home, a predominantly single storey building arranged with four wings in a cross shape, with forecourt parking set behind a frontage hedge. The proposal is to redevelop the site with two predominantly two storey buildings fronting Furze Hill set behind an enlarged parking area.
7. Littlethorpe is a two storey detached house with a central front dormer facing Furze Hill and a detached garage in the rear part of the back garden close to the south-western boundary of the appeal site. One of the wings to the existing building extends close to the boundary with Littlethorpe beyond the rear line of the garage. Building One at the appeal site would not project into the site as far as the wing of the existing building but would be of greater mass.
8. In comparison with the previous appeal proposal, Building One would be moved forward by approximately 2.5m and its footprint redesigned with the rear part set further away from the boundary with Littlethorpe by some 5m to be about 8m from the boundary. Whilst the depth, scale and massing of Building One would be similar to that on the previous appeal, its siting and proximity to the boundary with Littlethorpe would be materially different. Building One would still project substantially beyond the rear line of Littlethorpe and its profile would be viewed from Littlethorpe's rear windows and garden over the detached garage, but the changes, particularly the increased separation, would ensure that there would not be an overbearing impact.
9. There is a line of trees within the appeal site close to the boundary with Littlethorpe that provide some screening of the appeal site, particularly in the summer months when in leaf. The previous Inspector had doubts about the trees' retention because of their proximity to proposed building works. The setting back of the building would increase the distance between Building One and two trees and would increase the scope for supplementary landscape measures to assist in the assimilation of the development.
10. The front element of Building One has been internally reconfigured to remove one first floor flank window facing Littlethorpe. There would be a secondary window to a first floor living room facing Littlethorpe, but this would be obscure glazed and fixed shut up to 1.75m above the finished floor level. The changes would address the concerns raised by the previous appeal Inspector about loss of privacy at Littlethorpe in relation to overlooking from first floor windows.
11. The previous Inspector also had concerns about overlooking of neighbouring gardens from the large rear terraces then proposed associated with second floor flats to Buildings One and Two. In the current proposal the terraces would

be much smaller and set deeper into the roof plane to restrict lateral viewing. I am satisfied that the revisions would overcome the concerns previously raised.

12. Woodcote is a detached house to the north of the appeal site. Its rear elevation is angled slightly towards the appeal site due to the splayed site boundary and the rear elevation of Building Two would be similarly angled towards the rear part of Woodcote's back garden. There are boundary trees in the front garden to Woodcote and an ash tree in its back garden that filter views between the sites. The substantial part of Building Two would be sited closer to the road than the nearest wing of the existing structure and whilst it would be of significantly greater mass, having regard to the separating distances to Woodcote from its staggered elements and the angles of view from side and rear facing windows, there would not be a harmful effect on the living conditions of the occupiers of this property. However, a planning condition would be needed to secure the provision of screens to the northern end of upper floor balconies to safeguard privacy at Woodcote.
13. Subject to appropriate planning conditions, the proposal would be acceptable in respect of the living conditions of the occupiers of adjoining dwellings. It would satisfy the requirements of Policies Ho9 and Ho13 of the Reigate and Banstead Borough Local Plan (2005) which require the layout and design of development to not seriously affect the amenities of adjoining properties.

Other matters

14. Several residents have objected to the scale and flatted nature of the proposal being out of keeping with the predominant pattern of two storey houses in Furze Hill. However, the present care home and other buildings nearby depart from this character and there are examples of three storey buildings in the vicinity. Retention of the frontage hedge would largely screen the car parking area. I concur with the previous appeal Inspector's views that the proposal would be a high quality design that would make the best use of the site.
15. The financial contribution towards affordable housing provision is a benefit that weighs in favour of the proposal. The Council have confirmed their acceptance of the Unilateral Undertaking. I am satisfied that it would meet the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010).
16. The site is in a sustainable location within an established residential area of Kingswood. The proposal would result in the benefits of an environmental enhancement in the appearance of the site and in the provision of 14 dwellings that would contribute to the general housing need.

Conclusion

17. The previous appeal Inspector considered much of the development to be acceptable. The changes made in the current proposal satisfactorily address the outstanding concerns in relation to the living conditions of adjacent occupiers. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to conditions.
18. I have considered the conditions suggested by the Council if the appeal is to be allowed and note that the appellant has raised no objection to these. I have however, made changes having regard to Planning Practice Guidance.

19. In addition to the statutory condition to constrain the lifespan of the permission a condition is necessary to list the plan numbers in the interests of certainty and to enable approval of minor material amendments should this be expedient. Pre-commencement conditions are necessary to approve finished floor levels and landscape arrangements including tree protection measures as these matters need to be agreed before building operations take place. A condition is also needed to ensure that the landscape measures are implemented as approved.
20. Details of external materials need to be approved to ensure a satisfactory appearance to the development. Conditions are necessary to ensure that the proposal is implemented in accordance with agreed construction methods and drainage arrangements. A condition is necessary to require provision of the approved car parking, bicycle storage and bin storage arrangements to ensure satisfactory operation of the site. Final boundary treatment measures need to be approved prior to occupation of the buildings to ensure that the site is secure and has a satisfactory appearance. Conditions are necessary in relation to obscure glazing to specified windows in Building One to protect the privacy of occupiers of Littlethorpe. A condition is also necessary to approve details of screens to the balconies at first floor level on Building Two and to secure their installation and retention to protect the privacy of the occupiers of Woodcote.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
15-03(OS)01, 15-03 (EX)01, 15-03(EX)02, 15-03(PR)01RevF,
15-03(PR)02RevD, 15-03(PR)03RevJ, 15-03(PR)04RevK,
15-03(PR)05RevG, 15-03(PR)06RevF, 15-03(PR)07RevE,
15-03(PR)08RevK, 15-03(PR)09RevB, 15-03(PR)10RevC and
15-03(PR)12
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscape measures. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development including a Tree Protection Plan, Arboricultural Method Statement and details of any construction activity that may take place within the Root Protection Areas of trees including the installation of any service routings.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The construction of the development shall be carried out in strict accordance with the approved Construction Method Statement and Construction Method Plan.
- 8) The development shall be carried out in strict accordance with the drainage scheme set out in the approved Surface Water Drainage Statement by Robert Bray Associates (Rev D dated 06.09.17) and the plans and drawings contained therein. The system shall be installed and fully operational prior to first occupation of the dwellings hereby approved. Thereafter, the system should be maintained in accordance with the maintenance regime, tasks and frequencies set out in the Robert Bray Surface Water Drainage Statement.

- 9) The development hereby approved shall not be first occupied unless and until a verification report carried out by a qualified drainage engineer shall have been submitted to and approved by the local planning authority to demonstrate that the Sustainable Drainage System has been constructed in accordance with the agreed scheme.
- 10) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 15-03(PR)01F for 28 car parking spaces, the proposed bin store and secure parking for 14 bicycles; these spaces shall always thereafter be kept available for their designated purposes.
- 11) The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be completed before the occupation of the development hereby permitted.
- 12) Notwithstanding the approved plans, the first floor side facing windows in the south side elevation of Building One (shown on approved plan 15-03(PR)03 J to serve a living room to Apartment 1G and an en-suite to Apartment 1E) shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above the internal floor level of the room which they serve; the windows shall be maintained as such at all times.
- 13) Notwithstanding the approved plans, the second floor rooflights in the south side elevation of Building One (shown on approved plan 15-03(PR)05 G to serve an en-suite bathroom to Apartment 1G) shall be glazed with obscured glass which and shall be fitted with restrictors limiting opening to 100mm or less unless the cill height would be greater than 1.7 metres above internal floor level of the room which they serve; the rooflights shall be maintained as such at all times.
- 14) Notwithstanding the approved plans, details of screens to the northern sides of the balconies to apartments E and F to Building Two (shown on plans 15-03(PR)04 K and 15-03(PR)08 K) shall be submitted to and approved in writing by the local planning authority before the balconies are installed; the screens shall be installed in accordance with the approved details prior to the occupation of the apartments which the balconies serve and they shall be retained as such thereafter.