



Appeal Decision

Site visit made on 23 August 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/L3625/W/19/3229739

104 and 106 Dovers Green Road, Reigate RH2 8DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr J Vince (Earlwood Homes) against the decision of Reigate and Banstead Borough Council.
 - The application Ref 19/00474/S73, dated 6 March 2019, was refused by notice dated 14 May 2019.
 - The application sought planning permission for the demolition of No.106 Dovers Green Road and erection of 4 x 5 bed and 2 x 3 bed dwellings with associated access, parking and landscaping, as amended on 12/11/2018, without complying with a condition attached to planning permission Ref 18/02196/F, dated 01/02/2019.
 - The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: LD03A/PL11 A; LD03B/PL01; LD03B/PL16; LD03B/PL15; LD03B/PL14; LD03B/PL13; LD03A/PL12; LD03B/PL10; LD03A/SK11; LD03B/PL08; LD03B/PL07; LD03B/PL06; LD03B/PL05; LD03B/PL04; LD03B/PL03; LD03B/PL02.
 - The reason given for the condition is: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of No.106 Dovers Green Road and erection of 4 x 5 bed and 2 x 3 bed dwellings with associated access, parking and landscaping at 104 and 106 Dovers Green Road, Reigate RH2 8DW in accordance with the application Ref 19/00474/S73 dated 6 March 2019, without compliance with condition number 1 previously imposed on planning permission Ref 18/02196/F dated 01/02/2019 and subject to the conditions in the attached schedule.

Procedural Matters

2. When I visited the site, the original dwelling had been demolished and building work was well underway. However, there is no evidence to suggest that any breach in condition occurred prior to the application therefore I am therefore dealing with the appeal under the terms of section 73 of the Act.
3. I note the Council's enforcement team is currently monitoring the works currently being carried out on site but that has no bearing on this appeal which is made under S73 of the above Act.

4. Following my site visit, the Council adopted the Reigate & Banstead Local Plan, 2019, (LP). The Council submitted copies of the relevant policies from the LP, which superseded those from the Reigate and Banstead Local Plan (2005) referred to in its decision. Policies from the latter Plan have played no part in my decision. The Council and appellant were given an opportunity to comment on these changes and I have used these in my decision.

Background and Main Issue

5. Planning permission has been granted for the demolition of a dwelling at 106 Dovers Green Road and the erection of 6 dwellings, together with associated works and landscaping. The appeal seeks permission to carry out the development without complying with condition 1 attached to the permission. This requires that the development is carried out in accordance with the schedule of plans referred to in that condition.
6. The application sought to make a number of revisions to the approved scheme. These included the re-positioning of the dwellings on plots 1, 2 and 3. The proposed re-siting of the dwelling on plot 4 was withdrawn from the proposal. Lastly, the application sought permission for the erection of a car barn in the front gardens of the houses on plots 1 and 2.
7. The Council did not object to the changes to plots 1-3. Its decision to refuse planning permission related to the provision of the car barns. In the light of this, the main issue is therefore the effect of the proposed car barns on the character and appearance of the area.

Reasons

8. The appeal site lies close to the edge of the town of Reigate, on the west side of Dovers Green Road, which is the A217 and one of the main roads through the town. As the site is approached from the south along the A217, one is aware that the character of the area changes from rural to urban, albeit that the latter is fairly spacious. The appeal site lies within this spacious urban area where, although set back from the road, houses are clearly seen from it. Further north from the site, the development becomes increasingly dense and closer to the road. The area is, therefore, one of transition.
9. The Council's adopted Supplementary Planning Guidance¹ (SPG) advises on the siting of garages. Whilst it says that they tend to look out of place in the street scene when sited in front gardens, it does not rule this out.
10. The proposed car barns, which would be of a design that would be appropriate to the area. Each would be open-fronted and could accommodate two cars. Although they would be sited in front of the dwellings on plots 1 and 2, they would be set well back from the carriageway. They would be seen looking directly in to the site from the road. However, the land on which they would be built is lower than the road and this in conjunction with their roof forms would give them an appropriate height, and as such they would not be dominant features in the street scene.
11. Furthermore, there would be sufficient space between the highway and the car barns to allow for landscaping to be undertaken that would soften their impact. Boundary fencing on either side of the site and trees on adjacent land would

¹ Householder Extensions and Alterations, March 2004

also provide mitigation, when the site was viewed from either direction on the A217.

12. The Council has drawn my attention to a number of appeal decisions², relating to garages to the front of properties, which were dismissed. I find these to be of limited weight. Each is some way from this appeal site and, from the information before me, their settings appear to be different from this one. Furthermore, in those schemes that all the garages would have been sited far closer to the road than would be the case here. I also note that the Inspector in the decision on appeal APP/L3625/D/12/2182237 highlighted the need to ensure that there would be adequate space in front gardens to avoid them appearing uncharacteristically enclosed as a result of the proposed development; the cart barns proposed here would accord with this comment. I saw the car barns at Somers Gate, a development close to the appeal site; however, they are in a different setting and do not set a precedent for this development.
13. As such, I find that the proposed development would be appropriate for this area of transition between the urban and rural environments and its spacious character would not be adversely affected. The proposed development meets the relevant criteria of LP Policy DES 1 and, therefore, represents high quality design that makes a positive contribution to the area. It also conforms with the relevant terms of the SPG.

Other Matter

14. The Council informs me that, following the refusal of the application that is the subject of this appeal, a further application under S73 has been made. This is the same as that which is before me, save for the omission of the provision of car barns to the fronts of the dwellings on plots 1 and 2. As I have been given no other details of this application, and each proposal must be assessed on its own merits, I have given this very little weight in my assessment.

Conditions

15. The Council has given me an updated list of conditions, which the appellant was consulted on and raised no objections to. Based on the information before me, I am re-imposing those conditions that appear to remain relevant.
16. Of these, the original reasoning for condition 13 included the terms of a policy in the previous Local Plan relating to sustainable development. Notwithstanding that my attention has not been drawn to a similar policy in the LP, I am aware of the aims of Government for the promotion of sustainable transport, in section 9 of the Framework. Therefore, I find that this condition remains relevant and necessary.

Conclusion

17. For the above reasons the appeal is allowed and planning permission is granted subject to a modified condition 1 to reflect the amended plans.

Roy Curnow
INSPECTOR

² APP/L3625/D/15/3128696; APP/L3625/D/14/2229982; APP/L3625/D/12/2182237; and APP/L3625/D/11/216630

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the 1st February 2022.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

LD03B/PL 01; LD03B/PL 02; LD03B/PL 04 A; LD03B/PL 05 A;
LD03B/PL 06; LD03B/PL 07; LD03B/PL 08; LD03B/PL 09;
LD03B/PL 12; LD03B/PL 13; LD03B/PL14 B; LD03B/PL 16; LD03B/PL 17;
LD03B/PL 18; LD03B/PL 19 A; LD03B/PL SK203; and DG/CB/101.
- 3) The development shall be constructed in strict accordance with the Construction Transport Management Plan approved under 18/02196/DET07. Only the approved details shall be implemented during the construction of the development. No parking of construction or delivery vehicles shall take place on the A217 (Dovers Green Road) or on the corner of the A217 and Sandcross Lane.
- 4) No development shall commence including groundworks preparation until all related arboricultural matters including tree protection measures are implemented in strict accordance with the details approved under 18/02196/DET05A. The development shall be carried out strictly in accordance with the approved scheme of supervision and monitoring of arboricultural protection measures. The supervision monitoring and reporting process shall be undertaken by a qualified arboriculturalist.
- 5) No development above slab level shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

- 6) The development shall be carried out in accordance with the levels approved under reference 18/02196/DET03.

- 7) The external materials of the approved dwelling houses shall be carried out in accordance with the details approved under reference 18/02196/DET04.

Prior to first construction of the car barns details of the external materials of the car barns shall be submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved details.
- 8) 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 boundary treatment shall be completed before the occupation of the development hereby permitted.
- 9) Plots 1 and 2 as shown on the approved site layout plan shall not be first occupied unless and until the two proposed vehicular accesses to Dovers Green Road have been constructed in accordance with the approved plans.
- 10) Plots 3, 4, 5 and 6 as shown on the approved site layout plan shall not be first occupied unless and until the proposed four vehicular accesses to Beehive Way have been constructed in accordance with the approved plans.
- 11) Plots 1 and 2 as shown on the approved site layout shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles at plots 1 and 2 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.
- 12) Plots 3 - 6 as shown on the approved site layout shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles at plots 3 - 6 to be parked. Thereafter the parking /turning areas shall be retained and maintained for their designated purposes.
- 13) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 14) All first floor windows in the north and south side elevations of the development hereby permitted 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 internal floor level, and shall be maintained as such at all times. The only exception to this being windows serving ancillary spaces such as staircases and corridors.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.

- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A B and C of Part 1 of the Second Schedule of the 2015 Order shall be constructed.

END OF SCHEDULE