



Appeal Decision

Site visit made on 18 February 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/L3625/W/19/3239208

10 Tadorne Road, Tadworth, Surrey KY20 5TD

- 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 David Haime, Davlyn (Surrey) Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/01233/F, dated 20 February 2019, was refused by notice dated 3 September 2019.
 - The development is described as a proposed detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the Council adopted the Reigate and Banstead Local Plan Development Management Plan (September 2019) (DMP). This has replaced the Borough Local Plan (2005) against which the planning application was determined. The previous Local Plan Policies Ho9, Ho13 and Pc4 have now been superseded by the new DMP. Accordingly, the policies most relevant for the determination of the appeal are Policies DES 1, DES 3 and NHE 3 of the DMP. The parties were offered to submit any further comments on the implications of the new Local Plan to inform my consideration of the appeal. I have therefore determined the appeal in line with the adopted DMP policies.
3. I have amended the description of development in the banner heading above as stated on the Application form by removing reference to the address as this is not a description of development.

Main Issues

4. The main issues are the effect of the proposal (i) on the character and appearance of the area and (ii) on protected trees.

Reasons

5. Tadorne Road is a pleasant and attractive residential area and is characterised by generally large detached dwellings of individual designs sat in large spacious plots. The substantial tree cover and hedgerows to the properties contribute to the verdancy of this area. The appeal site contains the existing dwelling and is a spacious plot with large front and rear gardens with generous spacing to the side of the plot.

6. The site is located within a Residential Area of Special Character (RASC) as defined by Policy DES 3 of the Reigate and Banstead Local Plan: Development Management Plan (2019) (DMP). The supporting justification to Policy DES3 identifies that each RASC is unique, recognised for its individual identity and distinct character. These areas warrant a specific design approach to ensure these characteristics are retained, protected and enhanced. The specific characteristics of RASC's include a prevailing low-density character, with detached buildings set back from the road, within wide spacious plots and with mature soft landscaping, wide verges and a general leafy character.
7. The proposed detached property would be located within the current spacious area to the side of the existing dwelling. Whilst I acknowledge the existing site is wider than the general plot widths along Tadorne Road, and the proposed dwelling would retain spacing to its respective boundaries, the subdivision of the plot to create two dwellings would result in the appeal site having a very narrow plot width uncharacteristic of the RASC. This narrow plot width would result in the dwelling appearing cramped within it when viewed from the street scene. This would result in a visually incongruent feature that would disrupt the spacious character of the street scene. In addition, the narrowness of the dwelling would appear out of character with the larger wider detached properties along Tadorne Road. Whilst there is screening to the front of the plot, the existing dwelling is visible from the street scene. Further, the opening of the existing hedge to create the driveway would add to the visual prominence of the proposed dwelling and would also disrupt the existing verdant character by another opening in this hedgerow.
8. I have considered the email trail regarding plot width analysis provided by the appellant. I acknowledge there are properties within the RASC that are built up closer to the boundary in their respective plots than the appeal proposal would. However, the general character is of large and wide properties set in spacious grounds. The appeal proposal would create a plot that is very narrow with a narrow dwelling which would be uncharacteristic of the area. It would therefore fail to integrate successfully into the street scene. Thus, I conclude that the proposal would fail to be sympathetic to the special character of the RASC and would erode the spacious characteristics that are key to its designation.
9. For the reasons outlined above the proposal would cause harm to the character and appearance of the area. It would therefore be in conflict with Policies DES 1 and DES 3 of the DMP. Amongst other matters these policies seek that development is of high quality design that makes a positive contribution to the character and appearance of its surroundings, has due regard to layout, plot size and relationship to neighbouring buildings, should not result in a harmful erosion of the spacing between buildings and should not involve inappropriate sub division of existing curtilage to a size below that prevailing in the area.

Protected Trees

10. The large oak tree (T1) within the front garden of the property is protected by a Tree Preservation Order. It is a prominent feature of visual interest along Tadorne Road and forms part of a network of trees and landscaping that makes an important contribution to the local landscape character of the area. The proposed car parking hardstanding located within the Root Protection Zone of this protected tree has the potential to cause harm to it. The appellant has produced an updated Tree Survey, Arboricultural Impact Assessment and

Arboricultural Method Statement (TS, AIA and AMS). This indicates there is a low impact of incursion into the Root Protection Zone, and the hardstanding can be achieved by a permeable low invasive surface to be installed on top of the existing soil level. This would be under direct arboricultural supervision to limit root disturbance to an acceptable level.

11. An example approach to Low Invasive Surfacing is set out in Appendix 3 of the TS, AIA and AMS). The appellant has confirmed that the proposed low invasive surfacing would only occupy 10.1% of existing unsurfaced ground within the Root Protection Zone, which is below the 20% threshold as required by British Standard 5837:2012 – Recommendations for Trees in Relation to Design, Demolition and Construction. Based on the evidence provided by the appellant I am satisfied this is sufficient to demonstrate no harm would occur to the protected tree and effective monitoring arrangements would be in place during the course of construction. Had I found in favour of the appeal I consider that details of the exact proposal for the Low Invasive surfacing could have been agreed by the parties through a planning condition to secure this.
12. For the reasons above, I do not find the proposal would cause harm to the protected Oak tree (T1). Therefore, the proposal would not be in conflict with Policy NHE3 of the DMP. Amongst other matters this policy seeks that development that would result in the loss of or deterioration in the quality of a protected tree will be refused unless the need for and benefits of development clearly outweigh the loss.

Other Matters

13. I acknowledge the frustration of the appellant that the emerging plan was not referenced by the Council at an earlier stage. However, given the significantly advanced stage of the plan it was not unreasonable for the Council to consider the implications of this as part of their assessment of the application. Importantly, in line with my statutory duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 I am required to make my decision in accordance with the development plan and any relevant national policy in force at the time of the decision. In this case it is the recently adopted DMP.
14. Furthermore, I acknowledge the appellant's reference to pre application comments (18/00192) in which the Council states there is no objection in principle to an additional dwelling given its location within the urban area. However, whilst this is the case, it is clear in the response that the Council did highlight concerns regarding the siting and layout and that the plot size should be appropriate to the character of the area and the proposal may result in a cramped appearance in the street scene. In any event, pre application advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of an application.

Conclusion

15. Whilst I have found in favour of the appellant in terms of the effect of the proposal on the protected tree, this does not overcome the identified harm in relation to the first main issue. For the reasons above, the appeal is dismissed.

S Thomas INSPECTOR