
Appeal Decision

Site visit made on 8 June 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Appeal Ref: APP/L3625/W/20/3245674

39 Garratts Lane, Banstead, SM7 2ED

- 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 J Carvall (Carvall Homes Ltd) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02187/F, dated 29 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the demolition of the existing dwelling and attached garage; erection of a development of eight flats in a two-storey building with roof accommodation together with the provision of refuse and recycling stores, eight car parking spaces and new access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and attached garage; erection of a development of eight flats in a two-storey building with roof accommodation together with the provision of refuse and recycling stores, eight car parking spaces and new access at 39 Garratts Lane, Banstead, SM7 2ED in accordance with the terms of the application, Ref 19/02187/F, dated 29 October 2019, subject to the conditions set out in the schedule to this decision.

Main Issues

2. The main issues are:
 - (a) The effect of the development on the character and appearance of the area;
 - (b) The effect on the living conditions of future residents with particular regards outdoor amenity space, and
 - (c) Whether adequate off-street parking would be provided.

Reasons

Character and appearance

3. Whilst there appears to be no dispute about the principle of development¹, the Council objects to the size, layout and detailed design of the building which it says would appear cramped, and unduly dominant.

¹ Although Page 2 of the Officer Report refers to the proposal being “unacceptable on a point of principle”, under ‘Principal Issues’ the assessment states the site is “within the urban area ...where the principle of residential development is acceptable”

4. As I saw on my site inspection, most buildings in the area tend to be constructed of brick (some with rendered elements), two-storeys in height with pitched roofs. Despite that, there are a wide range of building styles covering a multitude of uses. A short distance to the west is a large car showroom complex and to the north-east a telephone exchange. In both cases the buildings can perhaps be described kindly as utilitarian. The site is flanked by existing residential development in the form of a traditional detached dwelling to the west and a post-war, two-storey flatted development to the east.
5. Just as architectural uniformity is in short supply, there is also considerable variety in relation to the layout and siting of buildings. The flatted development known as Shrubland Court, comprises two separate blocks set at a right-angle to each other. Whilst one addresses Garratts Lane, the smaller building is orientated towards the lawned area and presents a gable end to Garratts Lane.
6. Opposite the site is an assisted living complex known as Roseland. This attractive two-storey building is set-back approximately 20 metres from Garratts Lane behind mature landscaping and a semi-circular access road and car park. Overall, whilst not unattractive, the area contains an eclectic mix of building types and layouts which in my view is not overly sensitive in streetscape terms.
7. The scheme involves the demolition of the existing detached house and its replacement with a larger 2.5 storey building containing 8 self-contained flats. In keeping with neighbouring development, the building would be set back from the roadside behind a landscaped frontage and a small parking area. Consequently, the development would largely respect the building line of its nearest neighbours.
8. I acknowledge there would be a notable increase in bulk and mass. However, sections provided with the application demonstrate that the height of the building would relate well to Shrubland Court. It is not clear why a section has not been provided showing the relationship to Tanglewood. Nonetheless, that dwelling is set back some distance from the appeal site boundary and appears to be of a similar height to Shrubland Court. The Council do not suggest otherwise.
9. As is currently the case, the parking would be provided to the front of the building. Whilst this would inevitably be a more formal arrangement than currently exists, neither the size of the car park or its frontage location could reasonably be described as out of character given the prevalence of similar layouts in the immediate area most notably at Roseland, Arundel, Tanglewood and the development of three houses to the west of Gerrards Mead.
10. The Site Plan shows that there would be sufficient space across the site frontage and eastern and western site boundaries to implement a meaningful landscaping scheme. Over time this would soften perhaps even screen the car park in wider views.
11. Whilst the building would occupy a significant proportion of its plot, the set-back and landscaping would maintain the sense of openness that currently exists along Garratts Lane. The rear projection of the building would not be readily visible in public views and therefore could not be said to cause unacceptable harm to the character and appearance of the area.

12. I have noted the Council's concerns regarding separation to the side boundaries. However, from my observations, buildings along Garratts Lane and intersecting roads tend to extend across the full width of their plots as indeed is the case currently on the appeal site. Despite that, the Site Plan shows that the building would be set-back from its side boundaries sufficiently to allow pedestrian access to the rear garden along both flanks of the building.
13. In terms of the detailed design, the Appellant describes the building as "*simple*", whilst I do not disagree that does not necessarily equate to poor design. Symmetrical fenestration patterns, a central glazed atrium, contrasting brickwork, projecting bays and recessive elements would provide articulation to the façade helping to break up the bulk and mass of the building. The result would be a modern, well-meaning and unoffensive building which in my view would assimilate successfully with the varied Garratts Lane street-scene. I have noted the Council's reference to "*poor design*". However, that position was not substantiated in the Officer's Report nor in the Council's appeal submissions.
14. Overall there would be some change to the character and appearance of the area, however, for the reasons given above, I find that the degree of change would not be at a level to cause unacceptable harm or to bring the proposal into conflict with the development plan. On the first main issue I therefore conclude that the proposed development would not harm the character and appearance of the area. Accordingly, there would be no conflict with Policy CS4 of the "*Reigate and Banstead Local Plan: Core Strategy 2014*" (the CS), Policies DES1 and DES5 of the "*Reigate and Banstead Local Plan: Development Management Plan 2019*" (the DMP). Amongst other things, these seek high quality homes that contribute positively to local distinctiveness and a sense of place. Although cited in the reason for refusal, Policy CS1 sets out the presumption in favour of sustainable development found in the "*National Planning Policy Framework*" (the Framework) and is not relevant to the first main issue.

Living conditions

15. DMP Policy DES5 states that new residential development must provide good living conditions for future occupants. Requirement 6 requires "*adequate provision for outdoor amenity space, including balconies and roof terraces and/or communal outdoor space*". "*Adequate*" is not defined in the explanatory text and the Council has not drawn my attention to any local standards. That being the case, I have exercised my own judgement.
16. According to the Council, the outdoor amenity space would measure 56m². Unlike the lawned area in front of Shrubland Court, the area would be both private and south facing. Accordingly, I have no reason to think it would not be an attractive and popular area where future residents could relax, enjoy the English weather and perhaps share a drink with fellow residents. I acknowledge that the dimensions of the garden would struggle to accommodate a communal game of cricket garden, it might also become crowded if all future occupants decided simultaneously to sit outside. However, I do not consider that either would be a common occurrence. It is noteworthy that there are parks in the local area offering more expansive areas of open space.

17. On the second main issue, I am satisfied that the development would provide an adequate level of outdoor amenity space commensurate to the likely level of use by future residents. Accordingly, I find no conflict with DMP Policy DES5.

Parking

18. DMP Policy TAP1 requires that parking is provided in accordance with Annex 4, unless satisfactory evidence is provided to demonstrate that non-compliance would not result in unacceptable harm.
19. Annex 4 to the DMP set outs the parking standards for new development in the Borough. The Council have not challenged the Appellant's 'Accessibility Level' calculation and therefore the requisite standard is 1 space per unit. As 8 spaces would be provided the proposal is compliant in that regard. However, the Council argue that an additional 2 visitor spaces should be provided. That requirement arises from the second bullet below the parking standards table in Annex 4 which states that "*1 visitor parking should be provided for each 5 dwellings*". Accordingly, there would be a shortfall of 2 parking spaces.
20. Returning to Policy TAP1, the next step is to examine whether there is any evidence to demonstrate that the shortfall would result in unacceptable harm. The Highway Authority undertook an assessment of the proposal and based on existing parking restrictions within the vicinity of the site, were satisfied that the shortfall would not lead to a highway safety issue. Having witnessed the nature of Garratts Lane first-hand and seen the extent of parking restrictions in the area, I see no reason to take a contrary view.
21. Whilst I accept that there are likely to be occasions when visitors may need to park off-site, I find it almost inconceivable that this would take place on Garratts Lane as asserted by the Council. Even if that were to happen, the Council has still failed to adduce any evidence to explain how a maximum of two parked cars would result in unacceptable amenity harm.
22. In my view, the more likely scenario is that visitor parking would take place legally and responsibly on the side streets where there are designated on-street parking areas. Beyond the concerns raised by some local residents, there is little before me to suggest these streets are subjected to high levels of parking stress. On my site visit I observed a reasonable amount of spare capacity along North Acre, Shrubland and Diceland Roads. The suggestion that the occasional parking of one or perhaps two cars on these side streets would unacceptably harm the character or amenity of the surrounding area, is in my view, completely without merit.
23. I therefore conclude that the parking arrangements would be acceptable, and the development would not harm highway safety and/or the amenity/character of the area. Accordingly, there would be no conflict with DMP Policy TAP 1 as well as the relevant parts of the Framework.

Other Matters

24. Local residents have expressed a wide range of concerns including but not limited to the following; extra traffic congestion, noise and disturbance, loss of privacy and views, the loss of trees/wildlife habitats and inadequate drainage. However, I note that these matters were carefully considered by the Council at the application stage. Whilst I understand the concerns of local residents,

there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.

Conditions

25. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In some instances, I have amended the conditions provided by the Council in the interests of brevity.
26. Those conditions covering time limits and specifying the approved plans are necessary in the interests of proper planning and to provide certainty. To ensure the satisfactory appearance of the development I have attached conditions relating to external materials, boundary treatments and landscaping. To ensure compliance with the Council's sustainability objectives, I have imposed conditions relating to cycle parking, water/energy efficiency, vehicle charging points and high-speed broadband. In the interests of flood prevention drainage conditions are necessary. A parking condition is necessary to ensure the parking area is provided before first occupation. Finally, a Construction Transport Management Plan is necessary in the interests of highway safety.
27. Although not suggested by the Council, I have imposed a condition in relation to construction hours to protect the living conditions of neighbouring occupiers. I am not persuaded that a levels condition is necessary as the site is fairly flat and the height of the building is clearly shown on the approved drawings.

Conclusion

28. In reaching my decision I appreciate the strength of opposition to the proposal from the local community and have taken account of the wide range of specific concerns that have been raised. However, I have found the development to be acceptable when assessed against the Development Plan as a whole. There are no other factors which would justify withholding planning permission.
29. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

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: P1 B, P2 F, P3 B and SEC.
- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the building, 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.
- 4) 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.
- 5) No development above slab level shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the LPA. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, 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 and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the local planning authority.

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, shrubs of the same size and species.

- 6) The development hereby approved shall not be first occupied unless and until facilities have been provided in accordance with the approved plans for the secure parking of 8 bicycles within the development site, and thereafter shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 7) The development hereby approved shall not be occupied unless and until a minimum of 4 of the available parking spaces 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.
- 8) The development hereby approved shall not be first occupied unless and until an Energy and Water Efficiency Statement has been submitted to

and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:

a) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day

b) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

- 9) The building hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high-speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:
- a) A broadband connection accessed directly from the nearest exchange or cabinet
- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.
- 10) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDs, NPPF and Ministerial Statement on SuDs. The required drainage details shall include:
- a) Evidence that there is no risk of contamination through the infiltration SuDs
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 37.8l/s.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels and long and cross sections of each element including details of any flow restrictions and maintenance / risk reducing features (silt traps, inspections chambers etc)
- d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system
- f) A plan showing exceedance flows (ie during rainfall greater than design events or during blockage) and how property on and offsite will be protected. This should include details of how surface water run-off entering the site from the bunded northern boundary will be intercepted.

- 11) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of the management company and state the national grid reference of any key drainage elements (surface water attenuation devices / areas, flow restriction devices and outfalls).
- 12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 13) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) provision of sightlines behind any boundary fencing
 - (e) measures to prevent the deposit of materials on the highwayOnly the approved details shall be implemented during the construction of the development.
- 14) Demolition or construction works shall take place only between 08:00-18:00 Monday to Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.