
Appeal Decision

Site visit made on 1 September 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/L3625/W/20/3248147

Land adjoining 56-58 Brighton Road, Hooley CR5 3EE

- 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 Gregory Zabinski of Location Management Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02424/F, dated 13 November 2019, was refused by notice dated 20 February 2020.
 - The development proposed is a two storey building comprising two, two bedroom apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The living conditions of future occupants, with respect to outdoor recreation space, parking, and air quality
 - The living conditions of neighbouring occupants, with respect to outlook and light
 - The effect on the character and appearance of the area.

Reasons

Living conditions of future occupants

3. The proposed building would fill almost all of the plot, leaving no room for outdoor recreation space, nor would either flat benefit from a balcony or terrace. A small area at the side of the building would provide space for refuse bins and cycle storage, but as this would be partly over sailed by the staircase to the first floor flat and would be flanked on either side by tall buildings, it would not be conducive for use as a garden or outdoor seating area.
4. Policy DES5 of the Reigate & Banstead Development Management Plan 2019 requires new homes to make adequate provision for outdoor amenity space. Although no minimum space standard is specified in the policy, the lack of any outdoor recreation space would in my view be detrimental to the living conditions of future occupants, who would have nowhere to sit outside or carry out normal outdoor domestic functions.

5. The appellant says that there are facilities available nearby but does not specify where. The nearest public open spaces I was able to see at the Hooley recreation ground, Maple Way children's playground and off Church Lane Avenue are all some distance away and, in any case would not provide the type of outdoor space personal to a development that I understand is intended by Policy DES5.
6. The Council considers the parking standard for the site to be one space per unit. The development would not provide any parking space. Some on-street parking is available in a layby outside the site and stretching to the north, but there are parking restrictions during the day and the Council has submitted evidence to show that outside the restricted hours, the layby is generally fully parked up.
7. Within the vicinity of the site there is a small parade of shops, a petrol station, a social club and other community facilities which could provide some of the day-to-day needs of future occupants. There is also a bus service along the Brighton Road to Redhill and Croydon allowing access to higher order services. However, it would seem likely given the relatively low accessibility of the site that future occupants would need to use cars. Because of the lack of parking space accommodating such vehicles would be difficult for future occupants. The development would add to parking congestion along the Brighton Road or require future occupants to park some distance away on neighbouring residential streets, which would be inconvenient to them and to the residents of those streets.
8. The site lies within an Air Quality Management Area because of the level of air pollution arising mainly from traffic. In this area Policy DES9 of the Reigate & Banstead Development Management Plan 2019 states that new development will not normally be permitted where existing pollution is unacceptable and there is no reasonable prospect that it can be mitigated. This is particularly relevant for sensitive development such as residential.
9. Designation as an Air Quality Management Area indicates that existing air pollution is at a level that gives cause for concern to health. The appellant is willing to incorporate a passive ventilation system into the scheme, which could to some extent mitigate against such health concerns. However, it would place restrictions on the development, for example preventing opening windows, and would not be able to mitigate against the pollution affecting external activities. For these reasons, the potential adverse effect of air pollution on health adds to my concerns about the living conditions of future occupants.
10. I conclude that taken collectively the lack of outdoor recreation space, lack of parking and poor air quality, the development would not provide adequate living conditions for future occupants, and would therefore conflict with Policies DES1, DES5 and DES9 of the Reigate & Banstead Development Management Plan 2019, which seek to ensure high quality, adaptable accommodation that provides good living conditions for future occupants.

Living conditions of neighbouring occupants

11. The neighbouring building at 56-58 Brighton Road is divided into flats. It has side windows facing the appeal site, which I understand from the main parties' submissions include a kitchen and bathroom on the first floor, and a kitchen on the second floor.

12. While the second floor window would have a view above the roof of the appeal building, the first floor kitchen window would look out onto the flank elevation, which would be 3m away. I consider this relationship would obstruct the outlook and light to this window, which is exacerbated by its position towards the rear of the side elevation.
13. The appellant suggests that light and outlook to a kitchen should not necessarily be considered in the same way as to principal habitable rooms such as living rooms and bedrooms. I disagree. A considerable amount of time is spent in kitchens and I consider it important that adequate outlook and light is maintained to such rooms so that they may be enjoyed by their occupants.
14. As a consequence of the loss of outlook and light to the first floor window in the adjacent building, I conclude that the living conditions of neighbouring occupants would be harmed, and that as a result the development would conflict with Policy DES1 of the Reigate & Banstead Borough Development Management Plan 2019, which amongst other criteria requires development to avoid having an adverse impact upon the amenity of occupants of existing nearby buildings.

Character and appearance

15. The appeal site lies at one end of a row of four buildings containing mainly shops on the ground floor with living accommodation or residential flats above. These buildings span across the majority of their plots and are positioned up against the back edge of the pavement. While individually built they exhibit similar design features including pitched roofs with forward facing gables and decorative timber framing to their first floors.
16. The proposed building would span across the majority of its plot and be positioned against the back edge of the pavement, replicating the situation of other buildings in the row. For that reason I consider it would not appear cramped. The appearance of the building would largely follow the style and design of the adjacent buildings with forward facing gabled roofs and decorative timber framing to the gables. Although the appeal site lacks the depth of the other plots in the row, I consider that would not be apparent in public views from Brighton Road.
17. I conclude that in terms of its visual impact, the proposed building would continue the general theme of the row of existing buildings and would therefore respect the character and appearance of its immediate environment. As a result I consider it would comply with Policy CS1 of the Reigate & Banstead Core Strategy 2014 and Policy DES1 of the Reigate & Banstead Development Management Plan 2019 in so far as that policy relates to the design of new development and its effect on the character and appearance of its surroundings.

Other Matters

18. The appellant has drawn attention to the residential flat conversion of the ground floor of 56-58 Brighton Road, which is immediately adjacent to the appeal site. This conversion was permitted notwithstanding that the flat does not have any external recreation space or parking and is also located within the Air Quality Management Area.

19. The circumstances of this flat conversion differ somewhat from the current appeal scheme. As an existing building, the conversion would have been compared to the previous use in terms of parking demand and accommodating people in the Air Quality Management Area. The appeal scheme differs in that it would introduce additional occupants into the area rather than substituting one use for another. The decision was also made prior to the adoption of the current Reigate & Banstead Development Management Plan 2019, which has introduced new policies. It is against these new policies that I must judge the current appeal scheme.
20. Highways England is responsible for the strategic road network, of which Brighton Road forms part. In its response to the Council, Highways England indicated that it was not satisfied that the appeal proposal would not materially affect the safety, reliability and/or future operation of the strategic road network. Given my conclusions on other issues I have not needed to address this concern any further because the proposal is unacceptable for other reasons.
21. The appellant has referred to pre-application advice from the Council from which they gained the impression that the proposal was acceptable in principle subject to various amendments. No mention was made in the pre-application advice of the Air Quality Management Area or of a proposal by Highways England to improve congestion on Brighton Road. While I understand why the appellant is dissatisfied with the pre-application advice, that is not something that is material to my decision, which is based on the evidence before me.
22. The appellant points out that the land was not used or maintained when it was part of the garden to 11 St Margaret's Road, and that it has subsequently been tidied up. While that may be the case, the former use (or lack of use) of the land does not justify a development that is unacceptable for the reasons set out above.

Conclusion

23. Although I consider that the proposed development would not harm the character or appearance of the area, I do consider that harm would be caused to the living conditions of future and neighbouring occupants. For those reasons, I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR