
Appeal Decisions

Site visit made on 2 October 2020

by **Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal A - Ref: APP/L3625/W/20/3251474

2 Sylvan Way, Redhill, Surrey RH1 4DE

- 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 Richard Rumbles of Barnfield Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/01760/F, dated 5 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is for the demolition of bungalow and erection of three terraced houses.
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Appeal B - Ref: APP/L3625/W/20/3251473

2 Sylvan Way, Redhill, Surrey RH1 4DE

- 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 Richard Rumbles of Barnfield Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02318/F, dated 15 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is for the demolition of bungalow and erection of three terraced houses.
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Appeal C - Ref: APP/L3625/W/20/3251472

2 Sylvan Way, Redhill, Surrey RH1 4DE

- 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 Richard Rumbles of Barnfield Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/00280/F, dated 7 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is for the demolition of bungalow and erection of three terraced houses.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.
3. **Appeal C:** The appeal is allowed and planning permission is granted for the demolition of bungalow and erection of three terraced houses at 2 Sylvan Way, Redhill, Surrey RH1 4DE in accordance with the terms of the application,

Council Reference 20/00280/F, dated 7 February 2020, subject to the conditions in the Schedule to this decision.

Procedural Matters

4. All three Appeals relate to slightly different forms of the same development comprising three terraced houses. However, in relation to Appeal A, the Council set aside consideration of highway safety concerns on the basis that it was refusing planning permission on the other substantive matters.

Main Issues

5. A main issue in all three appeals are the effects on the character and appearance of the area. In addition, a main issue in Appeals B and C relate to the effects of the proposals on highway safety. Finally, there is a third main issue in Appeals A and B, namely the effects on the living conditions on the neighbouring occupier of No 4 Sylvan Way in terms of outlook.

Reasons

6. The appeal site comprises an existing modest bungalow situated in an elevated position close to the junction of Sylvan Way with Philanthropic Road. Its substantial rear garden area rises sharply in a series of terraces up from Sylvan Way. Existing neighbouring properties on this side of the street are all similarly set above road level and are generally two storeys in height and semi-detached in form with heavily wooded rear gardens.

Character and appearance

7. Each appeal proposal is a variation of the same development, namely three terraced houses. Appeal A would see the lowering of the level of the land and erection of three two-storey terraced houses with dormer accommodation in the roofspaces. The traditional design proposed is not dissimilar to the character of the wider area and reflects the proportions, scale and height of properties in the immediate neighbourhood. Although the Council is also critical of the introduction of front-facing dormers, their proportions and aesthetics would not be out of keeping with the character and appearance of the area.
8. From my reading of the appellant's submissions, it appears that the proposal under Appeal B was a redesign and intended to respond to the Council's concerns over the earlier scheme. In the later scheme under Appeal B, the level of the land would be similarly lowered. The houses would again take the form of two storey houses; however, the design would incorporate half-hipped roofs and the front-facing dormers would be changed to rooflights. The appellant believed that these revised 'dormer' features found some support from the Council. However, despite the concerns of the Council with respect to bulk, height and massing I found that the proposal in Appeal B would also not be out of keeping with the character and appearance of the area.
9. Appeal C was a further iteration of previous submissions and the redesign of the terraced houses incorporated three hipped roofs to assist in breaking the mass of the roofline together with the provision of integral garages at ground floor. Front-facing dormers were reintroduced. In this scheme, the proposed terraced houses would be brought in line with the adjoining No 4 Sylvan Way.

10. The further lowering of land levels and the ridge height together with the provision of separate hipped roofs although offering a somewhat contemporary approach would, in my view, be an entirely appropriate design response to this site. It would not be cramped or represent unacceptable overdevelopment as the Council suggests but rather, would make a positive contribution to the character and appearance of the surrounding area making sensitive and good use of a difficult sloping site.
11. Accordingly, I find that all three alternative schemes comprising Appeal A, Appeal B and Appeal C would have an acceptable and harmonious relationship with adjoining properties in terms of architectural style, scale, footprint, height and massing. I find that the proposed developments would comply with Policy DES1 of the Reigate and Banstead Development Management Plan 2019 (RBDMP) and the guidance contained in the Council's Local Distinctiveness Design Guide Supplementary Planning Guidance (SPG), which amongst other things combine to ensure that new developments are of a high standard of design and respond to local distinctiveness.

Living conditions – outlook – Appeals A and B

12. The proposed developments in Appeals A and B project beyond the rear elevation of No 4. Whilst I have found that all three schemes would be respectful of the character and appearance of the area, both schemes in Appeals A and B would project beyond the rear two storey wall of No 4 by some 4m according to the Council's calculations. I noted during my site visit that No 4 has a single storey rear extension. Nevertheless, No 4 has ground floor windows close to the boundary. The schemes in Appeal A and B would be built close to the joint boundary and therefore a structure of the height proposed in both schemes would create a large and overbearing feature within the outlook from No 4. The same would not be true of the scheme proposal in Appeal C according to the Council; I agree with its assessment in this regard.
13. I therefore conclude that the proposed houses in both Appeals A and B would be contrary to policy DES1 of the RBDMP and the Council's Householder Extensions & Alterations SPG 2004. Amongst other ambitions, both the policy and guidance set out to ensure that new developments are of a high standard of design and which protect residential amenity.

Highway safety

14. The Council's decision notice on Appeal A does not include highway reasons for refusal on the basis that it refused planning permission for other reasons. The appellant sought at each stage to respond to the Council's concerns on matters of design and in terms of addressing issues of parking and visibility splays where these matters arose in subsequent applications. As I am dismissing Appeals A and B for reasons associated with living conditions and as there have been notable changes with respect to access and parking in the scheme in Appeal C, I take a similar approach to that of the Council and need not consider highway matters in relation to either Appeal A or Appeal B.
15. Turning to Appeal C, this latest scheme now incorporates an integral garage together with an off-road parking space for each plot. In addition, individual crossovers would be provided for each property at a gradient of 1:10. This would meet the car parking guidelines and Design Technical Appendix of Surrey County Council.

16. Sylvan Way operates as a residential street serving local residents in the main. From my own observations carried out during the early morning rush hour period, there was negligible traffic flow. I also observed that traffic speeds are very low, which reflected the fact that there is a high incidence of on-street parking along Sylvan Way and that vehicles turning into Sylvan Way from Philanthropic Road do so at low speeds.
17. The County Council invited the submission of traffic speed surveys to help assess the required visibility splays for a development at this location. The appellant suggested that Manual for Streets¹ standards should apply, which acknowledge that visibility splays can be reduced where traffic speeds are also low. The appellant's evidence on the nature of traffic speeds and volumes was consistent with my observations. In this regard, a traffic speed survey would not alter my conclusions. Furthermore, visibility for pedestrians would not be problematical in this instance.
18. Based upon the available evidence, I conclude that the proposed scheme in Appeal C would not result in material harm to the safety and convenience of pedestrians and vehicles. I therefore find that the proposal is consistent with policies TAP1 Parking, access, and Servicing, TAP2 Airport Car Parking and DES8 Construction Management of the RBDMP.

Other matters

19. Representations were received from nearby residents concerned about matters raised above but also in relation to the potential loss of trees. These concerns are not shared by the Council and from my site visit, I would opine that the more important trees on site can be protected and their health assured through the imposition of appropriate planning conditions.

Conditions – Appeal C

20. The conditions of the Council have been considered in the light of the advice contained within the National Planning Practice Guidance. In addition to the standard period of commencement of development, a condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Details of materials, final floor levels and landscaping including boundary treatment to be agreed by the Council are necessary to protect the character and appearance of the area. Details of surface water drainage scheme are required in order to prevent increased risk of flooding, to protect water quality and ensure future management. Conditions requiring details of a Construction Transport Management Plan are necessary to ensure that highway users are not unduly affected by construction activities. To comply with Council standards and policies for new residential development an energy and water efficiency statement should be agreed as well as details of high-speed broadband connection. A condition is also necessary to protect trees in the interests of good arboricultural practice and protection of visual amenity.

Balancing exercise and conclusion

21. In relation to Appeals A and B, I have identified that both proposals would result in an unacceptable level of harm to the living conditions of the neighbouring occupier. Whilst the developments proposed in these schemes

¹ Manual for Streets (2007) – CLG, DfT and Welsh Government

would provide appropriately designed housing development in a highly sustainable location, which would provide both social and economic benefits, I conclude that these benefits would be significantly and demonstrably outweighed by the identified harm. I therefore conclude that both Appeals A and B should be dismissed.

22. This however is not true of Appeal C, which would provide the same degree of benefits identified above without harm to living conditions. Thus, for the reasons given, I conclude that Appeal C should succeed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS APPEAL C

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2SW.3-P1A - Existing Combined Plan; 2SW.3-P2A - Proposed Combined Plan; 2SW.3-P3A - House Plans & Elevations; Tree Survey Schedule prepared by David Archer Associates; Tree Protection Plan prepared by David Archer Associates, and; visibility splay drawing 1912037-01.
3. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the local planning authority, and on development shall be carried out in accordance with the approved details.
4. No development shall take place until the developer obtains the local planning authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.
5. 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.
6. No development shall commence including demolition and or groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the local planning authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of service routings. The AMS shall also include a pre-start meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.
7. 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 local planning authority. 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.

8. The development hereby approved shall not be occupied unless and until each of the 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.
9. 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 any individual dwelling shall be implemented, installed and operational prior to its occupation.
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 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. No development shall commence until a Construction Transport Management Plan (CTMP), 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 highway. Only the approved details shall be implemented during the construction of the development.

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