
Appeal Decision

Site visit made on 15 October 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/L3625/W/20/3254372

Farm House, 34 The Avenue, Tadworth, KT20 5AT

- 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 Roy Churchill against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02093/F, dated 15 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is erection of new 4 bedroom 2 storey house in rear garden, detached double garage for use by existing dwelling, formation of new access drive and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have confirmed that policy CS20 of its Core Strategy, as cited on the decision notice, does not exist. I have dealt with the appeal accordingly.

Application for costs

3. An application for costs was made by Mr Roy Churchill against Reigate & Banstead Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The effect of the proposal on the character and appearance of the area, including trees on and around the site.

Reasons

5. The site is accessed from the road known as the Avenue by means of a driveway serving several properties. These are substantially sized residential buildings in large, irregularly shaped plots. This area is designated as a residential Area of Special Character, and the spaciousness of the housing and the associated verdant gardens is a key characteristic of this area.
6. To the rear of the site is a wood, which has been identified as falling within an Area of Great Landscape Value. This visually manifests itself in a dense collection of trees beyond the immediate rear of the site. Other mature trees on the site and its boundaries add to the verdant character of the garden

associated with the host property, which contributes positively to the wider Residential Area of Special Character.

7. Given the diverse character of the area and residential layouts within it, the extension of the driveway in-to the site and the development of a new house to the rear of No.34 would not inevitably detract from the character and appearance of the area. Much depends on the size of the building and the design approach adopted, and the proposal here fails for two reasons.
8. Firstly, the proposed house is too big for its plot. The footprint takes up a disproportionate amount of space within it, in comparison to most surrounding properties. The resultant cramped nature of the development would be exacerbated by the fact that the building would be sunk in-to the ground, necessitating the construction of a large retaining wall around it which limits the functionality and overall visual coherence of the garden area. The development would therefore have a contrived and oversized appearance which would detract from the spacious and verdant character of the area, including the setting of the adjacent Area of Great Landscape Value. Whilst the building would be set away from important public views, its harmful impact would be readily appreciable in private views on and around the site.
9. Secondly, the development would fall very close to the rear boundary of the site, facing on to a wood. The works would also be set close to trees identified as being retained, particularly on the boundary with 34A. The construction of a new residential building and associated works in close proximity to these trees brings in to question the long-term viability of such established landscaping features, both inside and outside the site. The works are likely to encroach into the rooting environment of these trees, and the bulk of the building may also conflict with their above ground growth. There is no significant technical evidence before me to demonstrate that these concerns, as reflected in the second reason for refusal, could be overcome either by way of tree protection details or new landscaping and planting. In the absence of this it would not be reasonable to deal with the matter by way of planning condition. The potential loss of these trees would result in further harm to the verdant character and appearance of the area surrounding the site.
10. Consequently, the effect of the proposal on the character and appearance of the area, including trees on and around the site, would be unacceptable. The proposal conflicts with policies DES1, DES2, DES3, NHE1 and NHE3 of the Reigate and Banstead Development Management Plan (2019) all of which require, amongst other things, that new development is of a high quality design which respects landscape features of the locality; and that development in Residential Areas of Special Character make a positive contribution to the character of the area. These objectives would not be achieved here.

Other considerations

11. There are objections to the proposal from interested parties, raising other issues to those discussed above. However, these do not add to the harm identified.
12. It is argued that some trees could be removed without any need for the approval of the Local Planning Authority. Indeed, some on the site already have, according to the amended plan submitted with the appeal. However, many of the trees appeared to remain at the time of my site visit and I have

considered the proposal on this basis. In any scenario, there is still an unacceptable risk to the trees outside the site boundary. This argument does not justify the proposal, and the potential for harm to trees.

13. It is also argued that, if the appeal fails, the appellant could build a large ancillary outbuilding of similar height under permitted development rights. However, such development would not permit the formal subdivision of the plot so any such building would not appear as cramped as the appeal proposal. Secondly, the construction of the proposed outbuilding would not have a second storey nor would it be sunk into the ground, in the manner of the appeal proposal. Consequently, even if I were to accept that there is a real prospect of such development occurring, the permitted development fall-back position does not amount to a justification for development of the scale and nature proposed, given the harmful impacts described above.
14. The proposal would provide an additional house, which weighs in its favour. This is in line with the governments objective of boosting the supply of housing as set out in the National Planning Policy Framework. It would provide a good standard of living accommodation and would also ease the pressure on the housing market. However, these considerations are insufficient to justify the proposal in the face of the harm identified.

Conclusion

15. The proposal conflicts with the development plan and there are no other considerations, including national planning policy, that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR