

Appeal Decision

Site visit made on 30 November 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/L3625/W/3256624

13 Court Hill, Chipstead, CR5 3NQ

- 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 Joe Bruckland of Bruckland Developments LTD against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/00633/F, dated 20 March 2020, was refused by notice dated 18 May 2020.
 - The development proposed is a 5 bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a 5 bedroom detached dwelling at 13 Court Hill, Chipstead, CR5 3NQ in accordance with the terms of the application, Ref 20/0063/F, dated 20 March 2020, subject to the attached schedule of conditions.

Procedural matter

2. I have determined the appeal on the plans submitted.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the Residential Area of Special Character (RASC).

Reasons

4. The appeal site forms part of an elevated, spacious plot in Court Hill, well screened by vegetation to the front and side boundaries. Further to an apparent history of plot sub-division and extension of buildings, the road contains a mix of property styles, plot sizes and irregular spacing between buildings. The existing plot is currently occupied by a building located to the rear corner of the site, set back from the road. The road's attractive, verdant and spacious character has been recognised for its value by the Council, being recently designated as a RASC.
5. The proposal would sub-divide the existing plot, by definition this would result in two narrower plots. However, this effect would be offset by the staggered arrangement of the scheme, whereby the existing building would remain, with the proposed house being located diagonally forward from it, toward the front of the plot. Therefore, the resultant relationship between the two buildings would not in my view harm the spacious character and appearance of the area, or result in inappropriate sub-division, as when seen from the road wide gaps

in built form would remain by virtue of the large front garden of the donor dwelling and rear garden of the proposal. Furthermore, other buildings nearby in the same section of road as the proposal appear close to each other, without harming the character and appearance of the area, including Nos 12 and 14, 16 and 16A, in addition to the recently approved new development occurring at No 19.

6. The intended landscaping and boundary treatments identify that the existing front boundary vegetation would be mostly retained and although elevated, the building would be largely screened at road level in immediate views. I have no substantive reasoning why the proposal would adversely effect established trees or create any pressure to prune given the proposed building is set some way from existing trees. The introduction of planting along the new boundary with the donor property would reflect the prevailing screening between plots. Such matters would be further secured through the use of appropriate planning conditions.
7. Despite the raised nature of the site, the effect of the proposal in both close and distant views would not be harmful given the road can be seen to contain a mix of large dwellings of differing styles covering wide plots, as well as those having been constructed from previous sub-division, coupled with the existing irregular separation distances between side elevations and property boundaries. Likewise, the proposal's projection back in to the site does not appear at harmful odds with its surroundings given the apparent depths of other nearby development.
8. The overall large footprint of the proposed building does not appear at odds with that prevailing, which notwithstanding the view of the Council, also do not appear to be significantly set back in contrast to the proposal, other than the donor dwelling. Similarly, the height of the proposal does seem broadly similar to that nearby. The positioning, size and height of the building would therefore not lead to a dominant, overbearing or cramped dwelling being built.
9. Elsewhere on the road, although arts and crafts design clearly feature, other styles and designs are present too, including mock Tudor close by. Therefore, the creation of a further individually designed, mock Tudor building in this section of road, would not in my view, harm the character or appearance of the area or fail to promote local distinctiveness. I accept that the proposed high windows in the gable ends are not typical of other buildings in the road, and that the crown roof arrangement is not common in the area. However, other buildings on the road do appear to have high windows accommodated within the roof space and I have no reason before me to consider them to be harmful. I also have no substantive reason to consider the proposed roof arrangement to be harmful given the mixed appearance of other buildings nearby.
10. In addition to other previous planning applications at the site, which I have had regard to, the Council have referred to a previous appeal Decision¹ from 2007 where they consider a similarly designed dwelling was not allowed at appeal. However, I have not been provided with the detail of those proposals beyond the Decision itself and I must have regard to the existing character and appearance of the area, which appears to have evolved over time. I also note that albeit under a previous Development Plan, the Council recently approved a

¹ APP/L3625/A/06/2027259

building of not dissimilar appearance at No 19. As such I afford the Decision limited weight.

11. Furthermore, a more recent appeal Decision² allowed a proposal at the site for the demolition of the current building and the creation of two large, broadly aligned, detached properties to the front of the plot. Although this permission has expired, was prior to the RASC designation and current Development Plan, it does in my view carry weight in the determination of the appeal as that proposal would have substantially filled the frontage of the existing plot, whereas the proposal before me would not.
12. I note the Council's concern that if sub-division continues the road may not meet density criteria of RASC designation at some point in the future. However, I have no reason to consider that the road is at or approaching that tipping point and all applications should be considered on their own merits.
13. The proposed development, with appropriate conditions imposed, would not harm the character and appearance of the area. Therefore, the proposal would accord with Policy DES1 of the Reigate and Banstead Development Management Plan, 2019, which amongst other things seeks to ensure development respects the character and appearance of the area. Likewise, the proposal would accord with the RASC Policy DES3, which amongst other things seeks to ensure development reflects local distinctiveness and does not result in inappropriate plot sub-division.
14. For the reasons above the proposal would also meet the intentions of the Local Distinctiveness Design Guide Supplementary Planning Guidance, 2004.

Other matters

15. Local representations were received objecting to the proposal. In addition to the matters above, concern has been raised regarding the effect of the proposal on the living conditions of neighbours and future occupiers. I am satisfied that the separation distance is such that the living conditions of occupants of the donor dwelling, and the proposal, would not be harmed in future. The privacy of the adjacent neighbours would not be harmed if proposed side windows at first floor level and above were of obscured glazing and be fixed shut other than top openings, this is not in my view required at ground floor level given the existing and proposed boundary treatments.
16. Representation has been received regarding the perceived accuracy of the drawing showing the proposed building in the streetscene. However, I have no substantive reason to consider it to be a false representation of that proposed. Likewise the ownership of the retained tree is a civil matter.

Conditions

17. I have had regard to the conditions suggested by the Council, which the appellant has agreed to. I have made minor amendment for clarity and to conform with the 6 tests as defined in the Planning Policy Guidance.
18. In addition to the standard commencement condition, I consider that in the interests of the character and appearance of the area, conditions requiring the

² APP/L3625/W/16/3146512

development proceeding in accordance with the proposed plans are required. Conditions relating to the approval of external finishes, levels, tree protection and implementation of hard and soft landscaping by the Council are also necessary. I consider that the details regarding the proposed soft and hard landscaping should be agreed prior to commencement of any works or site clearance given their importance to the setting of the road.

19. A condition requiring obscured glazing is necessary so as to protect the living conditions of neighbours.
20. In order for the proposal to accord with other policies of the Development Plan it is necessary for the dwelling to incorporate an electric vehicle charging point. However, I have not specified the detail of the charging point as the requirements may change, this will be agreed with Council prior to installation.
21. Conditions regarding the facilitation of high-speed internet access, as well as energy and water efficiency statements are necessary to ensure a sustainable dwelling is constructed in accordance with the Development Plan.

Conclusion

22. For the reasons above, the appeal is allowed with the associated conditions imposed.

M Scriven

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:
 - Location & Block Plan Ref 237 Drawing No 10 Rev O
 - Street Scenes Ref 11 Ref 0
 - Existing site details Ref 237 Drawing No 1 Rev 0
 - Proposed Floor Plans Ref 03 Rev C
 - Proposed site details Ref 237 Drawing No 2 Rev B
 - Tree Protection Plan Drawing No AS/TPP/18-2-2020 Rev 1
 - Existing and proposed site sections, Ref 237 Drawing no. 4 Rev 0
- 3) No development shall be undertaken until the details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place until samples of all external facing materials, including fenestration and roof have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan (TPP)) and the appropriate working methods (the arboricultural method statement (AMS)) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been 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 and location of site offices. The AMS shall also include a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the Local Planning Authority. All works shall be carried out in strict accordance with these details when approved. The scheme for the protection of the retained trees shall be carried out as approved.
- 6) No site clearance or development shall commence until details of hard and soft landscaping are submitted to and approved in writing by the Local Planning Authority (LPA). These shall include frontage tree and hedge planting and any other existing or proposed, soft or hard, landscaping in the front garden area, or adjacent to boundaries where appropriate. The soft landscape details shall include an establishment maintenance schedule for a minimum of 2 years, full planting

specifications, planting sizes & densities. Upon implementation of the approved development all the landscaping works shall be carried out in strict accordance with the landscape details as approved, and these shall be completed, before building completion, occupation or use of the approved development whichever is the earliest.

If any of the new or existing tree/s or hedge/s, detailed and approved under this condition, are removed, die, or become significantly damaged or diseased within 5 years of completion, it/they shall be replaced before the expiry of one calendar year, to a planting specification agreed in writing by the LPA. The hedges detailed shall be retained at a minimum height of 1 metre, or if new, once grown to this height thereafter.

- 7) The first floor windows in the side elevations of the development hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.
- 8) 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.
- 9) The development shall not be occupied unless and until the proposed dwelling is provided with an operating motor vehicle fast charge socket in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority (LPA) and thereafter retained and maintained to the satisfaction of the LPA.
- 10) The development 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 the new dwelling does not exceed 110 litres per person per day
 - b) Achieve not less than a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- 11) The dwelling within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to 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.

*****ENDS*****