



Appeal Decision

Site Visit made on 25 November 2020

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/L3625/W/20/3247386

Plot between 37 and 39 Salisbury Road, Banstead, SM7 2DP

- 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 Barnfield Homes against the decision of Reigate and Banstead Borough Council.
 - The application Ref 19/02234/F, dated 5 November 2019, was refused by notice dated 27 January 2020.
 - The development proposed is demolition of garage and erection of house.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of a garage and erection of a house at 37 Salisbury Road, Banstead, SM7 2DP in accordance with the terms of the application, Ref 19/02234/F, dated 5 November 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The site address is taken from the Council's decision notice rather than the application form as the site does not appear to be within the curtilage of either adjacent dwelling.
3. The Council has twice refused permission for construction of a dwelling on the site in recent years¹. An appeal against the second decision was dismissed in relation to the character and appearance of the area². The planning history at the site is a material consideration.
4. Subsequent to the dismissal of the previous appeal, the Council adopted the Reigate and Banstead Development Management Plan (DMP) in September 2019. This is an up-to-date development plan in accordance with the National Planning Policy Framework.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site comprises a detached garage in poor physical condition with a hardstanding to the front. It is overgrown and does not enhance the appearance of the street scene.

¹ Application references: 15/02532/F and 18/01054/F

² Appeal reference: APP/L3625/W/18/3209250

7. The site is located on the western side of Salisbury Road which is residential in character but close to Banstead Village Centre. The road is characterised mainly by semi-detached houses set back from the road behind spacious front gardens that generally incorporate parking, soft landscaping and some form of frontage enclosure. There is variation in the design, siting and plot width to the semi-detached houses reflective of the times of their construction. The later houses to the north tend to be on wider plots. Land levels also fall to the north.
8. The proposal is for a detached two bedroom house that would align with the front wall to 39 Salisbury Road and be set about 1m from its boundary. The house would be set behind the front wall to 37 Salisbury Road but would be closer to the boundary to this side beyond which is no.37's attached garage, constructed on higher ground. It would be designed with a single storey bay window, resembling those at nos. 35-37 with a single window and front facing gable above.
9. The proposal would result in the benefit of an additional dwelling to contribute towards meeting housing need. The Council do not object to the principle of redevelopment for housing or to the Victorian appearance to the dwelling which would be similar to dwellings to the south, but to the relatively narrow plot width and the house's resultant appearance in the street scene.
10. The appellant states that the appeal site would have a width of about 6.8m, and that this would be greater than the widths for nos. 31 and 35 on this side of the road and a little wider than several plots on the opposite side. Residents dispute the stated width claiming it is smaller. Nonetheless, it is apparent that the plot width would be similar to many in the southern part of the road, but that these comparators relate to semi-detached houses whereas the proposal is for a detached house. The semi-detached houses form a wide building block along a common boundary but are set back from the other side boundary resulting in a pleasing rhythm of blocks and spacings between in the street scene.
11. Clearly the appeal site is not wide enough for a comparable pair of semi-detached houses. The proposal would nonetheless reflect the pattern of being set away from one side boundary. It would be close to but would not abut the single storey garage extension to no.37 to the other side. At first floor level and in its roofscape the separation to the adjacent houses nos. 37 and 39 would be similar to elsewhere in the road and would respect the prevalent rhythm of spaces at this level.
12. The Council comments that the siting of the proposal would be contrary to guidance at paragraph 5.4.2 of their SPG on Householder Extensions and Alterations which encourages set backs from side boundaries. As the proposal is for a house, rather than an extension, this limits the SPG's relevance, but it is clear that the purpose of this guidance on two storey side extensions is to avoid a terracing effect in the street scene between two storey additions. The garage extension at no.37 has been built up to the side boundary but is only single storey. There would be ample separation to the upper floors of the adjacent dwellings to preclude the terracing effect described in the SPG.
13. The proposal would be unusual as a detached house in a road predominantly formed of semi-detached houses but there is also a detached house at 59 Salisbury Road. This is on a wider plot but is set amongst semi-detached houses on wider plots commonplace at the northern end of the road.

14. The appeal site is at a pivotal point in the road where there is a marked change in the pattern of development with houses on wider plots to the north and houses on narrower plots set closer to the road to the south. The proposal would make an acceptable transition, reflecting the massing and design of those to the south and the recessed building line of those to the north.
15. The house would overcome the concerns of the previous Inspector relating to the asymmetrical design and conspicuous forward siting then proposed. It would also be shorter and narrower than previously proposed but would have sufficient space around it for a two bedroom dwelling. As a detached dwelling there would inevitably be contrast with surrounding housing, but the proposal's massing and siting would not result in a cramped form of development. Its scale, bulk, site coverage and design would not be out of keeping with or harmful to the character and appearance of the locality.
16. The development would be in accordance with Policy DES1 of the DMP which requires proposals to be of high quality design, to reinforce local distinctiveness and to respect the character of the surrounding area, including positive physical characteristics of local neighbourhoods. It would comply with criterion 3 of the policy requiring development to have due regard to the layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, and the relationship to neighbouring buildings.

Other Matters

17. Residents have objected to the proposal on other grounds. Reference has been made to a public sewer running through the plot. This may account for the present layout of housing but would not be reason to oppose the proposal on planning grounds. Appropriate measures to safeguard the sewer can be taken in relation to the Building Regulations. There would be space in front of the house to provide a parking space; the proposal should not add to on-street parking pressures. I concur with the Council's findings that the proposal would not have a material impact on the living conditions of occupiers of adjacent dwellings. The previous proposal was found to be acceptable on this issue. There would be sufficient separation to not affect light at no.39 and facing side windows to the first floor landing would be obscure glazed. Whilst the house would be close to the flank wall of the garage to no.37 it would not project beyond its rear wall. There would not be a material adverse effect on habitable rooms for the occupiers of no.37. Disturbance during the course of building operations would be temporary in nature and could be managed by a condition.

Conclusion

18. The proposal would have the benefit of providing an additional dwelling to help meet housing need. It would be in accordance with the Framework in making effective use of urban land and in the design approach to this modestly sized house. The proposal would not have an adverse effect on the character and appearance of the area. The appeal should therefore be allowed subject to appropriate conditions.
19. In addition to the statutory condition for commencement of works, a condition is needed to list the approved plans to provide certainty on what has been approved and to enable the approval of minor material amendments should this be expedient. External materials and landscape measures need to be approved to ensure a satisfactory appearance to the development.

20. A Construction Method Statement should be approved prior to commencement of works to protect the amenities of adjoining occupiers. Conditions are necessary to ensure that the first floor windows in the flank wall are frosted to protect privacy and to control subsequent upper floor window openings. In view of the constrained nature of the site, it would be appropriate to include the Council's suggested condition to remove certain permitted development allowances. A condition is needed to ensure provision of a parking space on the frontage and finally, in the interests of sustainability, it would be appropriate to include the Council's suggested condition to require an electric charging point.

Rory MacLeod BA(Hons), MRTPI

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: 37SR/P1 and 37SR/P2.
- 3) No development above floor plate 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; the development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping in the front garden area. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials to be used in constructing the development;
 - measures to prevent the deposit of materials on the highway.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed, and the first floor flank windows authorised shall be maintained as obscure glazed and fixed shut as specified on drawing 37SR/P2.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A, B, or C of Part 1 of the Second Schedule of the 2015 Order shall be constructed.
- 9) The development shall not be occupied until space has been laid out within the site in accordance with drawing no. 37SR/P2 for a car to be parked and that space shall always thereafter be kept available for its designated purpose.
- 10) The development hereby approved shall not be occupied unless and until the proposed dwelling is 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.