
Appeal Decisions

Site visit made on 5 January 2021

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal A

Ref: APP/L3625/W/20/3250301

Land south of 32 Pilgrims Way and adjoining the rear of 15 Underhill Park Road, Reigate RH2 9LG

- 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 & Mrs Marsh against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02387/F, dated 26 November 2019, was refused by notice dated 28 January 2020.
 - The development proposed is the construction of a detached two storey 4 bedroom dwelling with a detached double garage.
-

Appeal B

Ref: APP/L3625/W/20/3258805

Land south of 32 Pilgrims Way and adjoining the rear of 15 Underhill Park Road, Reigate RH2 9LG

- 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 & Mrs Marsh against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/01268/F, dated 22 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is erection of a single detached dwelling with integral garage, entrance gate & pillars and associated site works.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the construction of a detached two storey 4 bedroom dwelling with a detached double garage at Land south of 32 Pilgrims Way and adjoining the rear of 15 Underhill Park Road, Reigate RH2 9LG in accordance with the terms of the application, Ref 19/02387/F, dated 26 November 2019, subject to the conditions in Schedule A to this decision.

Appeal B

2. The appeal is allowed and planning permission is granted for erection of a single detached dwelling with integral garage, entrance gate & pillars and associated site works at Land south of 32 Pilgrims Way and adjoining the rear

of 15 Underhill Park Road, Reigate RH2 9LG in accordance with the terms of the application, Ref 20/01268/F, dated 22 June 2020, subject to the conditions in Schedule B to this decision.

Preliminary Matters

3. These appeals relate to two alternative designs for a dwelling on the appeal site. Appeal A would be in neo-Classical style while Appeal B would be in the style of a Victorian villa. The respective reasons for refusal are similar and it makes sense to deal with the appeals together differentiating where necessary.

Main Issue

4. The main issue in each case is the effect on the character and appearance of the area being within a Residential Area of Special Character.

Reasons

5. The appeal site lies on the east side of Pilgrims Way towards its northern end and non-joining junction with Underhill Park Road. The landform slopes quite steeply downhill both north to south and east to west, although it flattens out somewhat for a short section immediately to the south. This means that the dwellings on the west side of Pilgrims Way are set substantially down from the road and the level of the appeal site. The immediate vicinity has a sense of space about it with significant gaps between properties.
6. Properties in the area are generally large detached dwellings facing the highway. However, immediately to the south, Nos 26 and 28 are a pair of semi-detached dwellings set a short distance into their sites, set behind No 24. All three properties are side on to Pilgrims Way.
7. Slightly further to the south on the eastern side of Pilgrims Way is a more dense section of frontage facing properties, some of which have outbuildings to the front. The dwellings here are set a similar distance into the sites creating a building line. However, given the topography and the row of protected trees to the south side of the appeal site these have little effect on the immediate vicinity of the appeal site.
8. The appeal site is roughly rectangular in shape with the shorter side facing Pilgrims Way. Apart from the trees to the south of the appeal site there are two smaller trees, a yew and a hawthorn, on the western frontage. In Appeal A the access is proposed between this pair of trees, and in Appeal B to the south. At the time of my site visit the appeal site had been fenced off from adjoining land.
9. The appeal site lies in the Pilgrims Way and Beech Road Residential Area of Special Character (the RASC). In this area, Policy DES3 of the Reigate & Banstead Local Plan Development Management Plan (the DM Plan) indicates that planning permission will be granted subject to various criteria. These include that the plot frontage reflect the existing street context, the design of the building makes a positive contribution and respects the form of neighbouring buildings and character of the RASC, does not lead to a harmful erosion of the spacing between buildings, and there is no inappropriate sub-division of existing curtilages to a size below that prevailing in the area.

10. The Council has referred to its Householder Extensions and Alterations Supplementary Planning Guidance (the Extensions SPG) and Local Distinctiveness Design Guide Supplementary Planning Guidance (the Distinctiveness SPG) both of which date from 2004, although the former is said to have been updated in 2012. The Extensions SPG principally deals with extensions and is therefore of lesser weight in relation to new build proposals, although elements of good design will be applicable in both situations.
11. Due to the distances to the buildings to the north and south, the appeal site would be well separated from other buildings. Any design should ensure that there is adequate space around any building within the site so that it would not appear cramped to the site boundaries. While the density of building in this part of the RASC is lower than others such as to the south, there is nothing which means that a higher density would inherently change the character of either this part of the RASC or the RASC as a whole.
12. The Council has referred to plot density and that the appeal site would be higher, it is asserted to be double, that of the RASC as a whole. However, density can be a crude measure and I give more weight to the separation between buildings and the effect on the character and appearance of the area. The 'host' property to the appeal site would have a large remaining garden area and would not be out of keeping with the area. In both proposals the garden areas would be sufficiently large for the properties and would visually link to the area to the east to ensure that the respective proposals remained in character with the area and at a size prevailing in the area.
13. Both proposals include a forward garaging element in front of the main elevation of the proposed dwelling. In the case of Appeal A this would be detached while in Appeal B this would be attached to the main dwelling. The Extensions SPG indicates that garages in front of any building line can appear out of place. Here, because of the separation to adjoining properties and that the properties immediately to the south are set perpendicular to the Pilgrims Way, there is no particular 'building line'. Furthermore, in both cases, the drawings clearly indicate that the garage elements would be set into the existing ground level, and this, along with landscaping that could be secured by conditions, would mean that neither would be intrusive into the street scene. I therefore conclude that the proposals would, in this respect, comply with the principles of the Extensions SPG.
14. In respect of Appeal A the proposed dwelling would be located centrally within the site which would ensure that there was adequate space around the building. Space which would visually link to the rear garden of No 32 and the access area to Nos 26 and 28. This would mean that the proposal would not appear cramped either within the site or in the area more generally. The front façade of the main building would be set a sufficient distance into the site so that it would not dominate in the street scene.
15. The Council has criticised the proposed design, particularly the vertical nature of the neo-Classical style, and the detailed design with brickwork over the soldier course above the first floor windows. While these design features do emphasise the height of the building, the location would mean that this would not be intrusive from Pilgrims Way or into the RASC generally as it would be set against rising ground to the north and east, and the views to the south

- would be against the protected trees. The use of a neo-Classical style would not be out of keeping with the diverse range of building styles in the vicinity.
16. Turning to Appeal B this property would be located towards the northern side of the appeal site ensuring a sense of space to the south. Because of the size of the garden of No 32 there would be appropriate space to the north and, again, the front façade of main building would be set sufficiently far into the site so that it would not dominate in the street scene. Any property on the east side of Pilgrims Way will have more of an effect than any to the west due to the change in levels. However, this does not mean that the proposal would be harmfully intrusive.
 17. In respect of the design the Victorian villa style would be in keeping with the variety of styles and sizes of properties in the vicinity. While the Council has criticised the 'crown roof' given the location of the site this would not be an obvious feature nor so intrusive that it would represent poor design.
 18. Consequently, both proposals would be in keeping with the character and appearance of the area within the RASC. They would therefore comply with Policy CS4 of the Core Strategy and Policies DES1, DES2 and DES3 of the DM Plan which requires development to be of high quality design, appropriate to the area and respect the RASC and its local distinctiveness. They would also comply with the Distinctiveness SPG which indicates that gaps and dominant landscape are essential to the character of the RASCs; this would be secured. They would also comply with paragraph 127 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and sympathetic to local character and history.

Other Matters

19. The Council has referred to the effect as it sees it on the settings of the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (the AONB) and the Mole Gap to Reigate Escarpment Site of Special Scientific Interest (the SSSI).
20. I have not been directed to any development plan policy relating to the setting of the Green Belt and there is nothing in national policy in the Framework on this; national Green Belt policy only applies within a Green Belt, not in relation to its setting.
21. In respect of the AONB while this can be seen from the appeal site and Pilgrims Way and vice versa, the existing intervening development to north and west ensures that the appeal proposals would be separate and discrete from and would not affect the setting of the AONB, the landscape and scenic beauty of which would thus be preserved. Great weight can be given to this in line with paragraph 172 of the Framework.
22. While the site may be in proximity to the SSSI no ecological harm has been asserted which will be the reason for its designation. The proposals would therefore not have an adverse effect on the SSSI and would be in accordance with paragraph 175 of the Framework.
23. Local residents are concerned about overlooking towards their properties. However, given the distances between buildings and that the area in question in the access to Nos 26 and 28 can easily be seen in the public domain from Pilgrims Way, I consider that the relationship to the properties to the south would be acceptable.

24. Local residents have also expressed concern about potential effects on listed buildings and a conservation area, noting National Trust maintained land in the AONB. I have already discussed the effect on the AONB and the Council has not referred to any listed buildings or conservation areas. Given the Council's Conservation Officer made comments on the appeal proposals, albeit in relation to local distinctiveness, had there been any such effects I am sure that the Council would have raised these matters. I can therefore be satisfied that the proposal would therefore preserve the settings of any listed buildings in the vicinity and the character and appearance of any conservation areas.

Conditions

25. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. The suggested conditions were similar in the two appeals and can be considered together, although clearly different schemes would be required. The numbers given in brackets (X) refer to the conditions being imposed, with the order being prescribed by the time when the conditions need to be complied with.
26. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant drawings as this provides certainty (2). A number of the drawings submitted relate to asserted comparator sites, which are not relevant to the developments being permitted, or provide a survey which relates to the existing state of the land, not that proposed, so I have only referred to those drawings which are material.
27. In order to ensure the health and longevity of trees, both protected and otherwise, Tree Protection Plans and Arboricultural Method Statements are required (3). In the case of Appeal A such a study has been submitted so that needs to be implemented. In the case of Appeal B the same document was submitted, but this needs to be made bespoke to this proposal, and then submitted, approved and implemented. In order to ensure that tree protection takes place as a first operation, these need to be dealt with as pre-commencement matters. In a similar way Construction Management Plans need to be agreed prior to any works commencing in order to ensure highway safety and the living conditions of adjoining occupiers are protected during the construction period (4). The appellant has agreed in each case to the pre-commencement conditions.
28. In each case, in order to ensure that the external materials used are appropriate for the area, details of these need to be submitted and approved, but this can be done prior to any above ground works commencing (5).
29. Similarly, landscaping schemes, in the interests of the character and appearance of the area, are required, but are not needed until above ground works commence (6), as are biodiversity enhancement schemes, which are required to accord with development plan policies. It has not been shown that the site is of such ecological significance that these need to be done prior to commencement on site, and thus can be submitted and approved before above ground works commence (7).
30. To accord with development plan policies relating to energy and water efficiency, promoting non-carbon fuel based transport options and telecommunications conditions relating to these matters are required (8, 9,

- 10). All three schemes for each proposal should be submitted and approved prior to above ground works so that they can be fully incorporated into the construction, and operational before occupation.
31. The Council has also requested conditions relating to obscure glazing and to prevent additional windows in each of the north elevations. As can be seen from my reasoning above I do not consider these to be necessary.
32. The Council has also requested a condition removing permitted development rights for extensions and outbuildings. The Planning Practice Guidance makes clear (Reference ID: 21a-017-20190723) that such conditions may not pass the tests of reasonableness or necessity and I can see no particular reason why such conditions should be so imposed.
33. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

34. For the reasons given above I conclude that the appeals should both be allowed.

RJ Jackson

INSPECTOR

SCHEDULE A

CONDITIONS RELATING TO APPEAL A: APPLICATION REFERENCE, 19/02387/F, DATED 26 NOVEMBER 2019 APPEAL REFERENCE APP/L3625/W/20/3250301

- 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:

2019 P/442/101	Site Plan
2019 P/442/001	Site Plan
2019 P/442/002	Proposed House
2019 P/442/003	Roof & Garage
2019 P/442/004	Street Scene
- 3) No development shall take place, including groundworks preparation, until all arboricultural matters, including tree protection measures, pre-commencement meeting, arboricultural supervision and monitoring are implemented in accordance with the details set out in the Arboricultural Report compiled by ACS (Trees) Consulting Ref ha/aiaams 1/1/19PW dated 27 November 2019 and the tree protection plan Ref TPP1_PW dated November 2019. These measures shall be maintained for the whole construction period.
- 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials, including turning for construction vehicles;
 - iii) storage of plant and materials used in constructing the development; and
 - iv) delivery and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development above ground shall commence 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 the development shall be carried out in accordance with the approved details.
- 6) No development above ground shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. All hard landscaping shall be completed prior to the occupation of the dwelling. All soft landscaping, that is 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 building. 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.

- 7) No development above ground shall commence until a scheme to provide biodiversity benefits, informed by a preliminary ecological appraisal, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out before occupation of the dwelling and thereafter maintained in accordance with the approved details.
- 8) No development above ground shall commence 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:
 - i) achieve not less than a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the Building Regulations 2013; and
 - ii) ensure that the potential water consumption by occupants of the dwelling does not exceed 110 litres per person per day.

The development shall take place in accordance with the approved Statement and the approved measures shall be fully installed prior to the first occupation of the dwelling and thereafter retained.

- 9) No development above ground shall commence until a scheme providing for a fast charge socket for an electric powered vehicle has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved scheme and be fully installed prior to the first occupation of the dwelling and thereafter retained.
- 10) No development above ground shall commence until a scheme providing for an ultra-fast broadband service has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved scheme and be fully installed prior to the first occupation of the dwelling and thereafter retained.

END OF SCHEDULE

SCHEDULE B

CONDITIONS RELATING TO APPEAL B: APPLICATION REFERENCE 20/01268/F, DATED 22 JUNE 2020 APPEAL REFERENCE APP/L3625/W/20/3258805

- 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:

20-14-01	Site Location Map
20-14-03	Proposed Block Plan
20-14-04	Proposed Site Plan
20-14-05	Proposed Floor Plans
20-14-06	Proposed Elevations
20-14-07	Proposed Section & Street Elevation
- 3) No development shall commence on site, including any groundworks preparation, until a detailed scaled Tree Protection Plan (TPP) and relating Arboricultural Method Statement (AMS) has 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 in Root Protection Areas of trees shown to scale on the TPP, including the installation of service routings. The AMS shall also include for a pre-commencement meeting with the local planning authority, supervisory regime for the implementation and monitoring, and an agreed reporting process to the local planning authority. All works shall take place in accordance with the approved details and shall be maintained for the whole construction period.
- 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials, including turning for construction vehicles;
 - iii) storage of plant and materials used in constructing the development; and
 - iv) delivery and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development above ground shall commence 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 the development shall be carried out in accordance with the approved details.
- 6) No development above ground shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. All hard landscaping shall be completed prior to the occupation

of the dwelling. All soft landscaping, that is 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 building. 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.

- 7) No development above ground shall commence until a scheme to provide biodiversity benefits, informed by a preliminary ecological appraisal, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out before occupation of the dwelling and thereafter maintained in accordance with the approved details.
- 8) No development above ground shall commence 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:
 - i) achieve not less than a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the Building Regulations 2013; and
 - ii) ensure that the potential water consumption by occupants of the dwelling does not exceed 110 litres per person per day.The development shall take place in accordance with the approved Statement and the approved measures be fully installed prior to the first occupation of the dwelling and thereafter retained.
- 9) No development above ground shall commence until a scheme providing for a fast charge socket for an electric powered vehicle has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved scheme and be fully installed prior to the first occupation of the dwelling and thereafter retained.
- 10) No development above ground shall commence until a scheme providing for an ultra-fast broadband service has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved scheme and be fully installed prior to the first occupation of the dwelling and thereafter retained.

END OF SCHEDULE