



Appeal Decision

Site Visit made on 15 February 2021

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2021

Appeal Ref: APP/L3625/W/20/3258332

The Georgian House, Rockshaw Road, Merstham RH1 3DB

- 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 Brambly House Montessori School against the decision of Reigate and Banstead Borough Council.
 - The application Ref 19/02249/F, dated 5 November 2019, was refused by notice dated 14 May 2020.
 - The development proposed is provision of a new vehicular access and the formation of a separate parking area to provide 3 spaces for the residential accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Rockshaw Road Conservation area, having particular regard its effect on trees.

Reasons

3. The appeal site lies within the Rockshaw Road Conservation Area. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. Paragraph 184 of the National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196).
4. The Area draws its significance from the collection of substantial arts and crafts houses set in spacious plots on the southern side of the street. The front gardens are enclosed by a mix of low boundary walls, hedges and fencing. Development on the northern side of the road is more dispersed and mature trees along both sides of the street give the area a semi-rural appearance. The trees, areas of soft landscaping and grass are also key features which make a positive contribution to the area's character. Although not specifically protected by a Tree Preservation Order (TPO), the trees are afforded protection due to their location within the Conservation Area.

5. The Georgian House is an elegant, well-proportioned locally listed building in a wide plot. There are two vehicular accesses and an area of gravel surfacing at the front of the building which accommodates a significant number of vehicles. The impression from the street is of an area that is predominantly hard surfacing and vehicles with only a limited amount of greenery.
6. The proposal would create a third access to provide an area for parking and turning three more vehicles. This would be in part of the front garden which is currently untended but obscured from public view by the 1.5m boundary fence. Opening up this part of the site would increase its visibility from the street, even though it would be enclosed by a low brick wall. It would significantly increase the amount of hard-surfacing across the front of the property and erode the balance between hard and soft areas which provides the setting for this locally listed building.
7. Although the side garden is not being actively cultivated, there are 3 mature trees within it, one of which, a plane tree, would be lost. However, this tree's growth is partially suppressed by the presence of the other two and its trunk leans towards the road. Its felling would lead to some short-term loss of amenity, but it is proposed that this could be mitigated by replacement planting elsewhere on the site. On balance, I consider this would be acceptable.
8. The sycamore and lime trees would be retained. Both these trees are tall, important features in this part of the Conservation Area and are expected to continue to grow in future. A considerable portion of the area that would form the new driveway would be within their root protection areas (RPAs). There is evidence that cellular confinement systems, as proposed in this case, would be preferable to the laying of conventional surfaces and help prevent compaction and root damage over the long term. Although, BS5837:2012 recommended a limit of 20% of new hard surfacing within an RPA, there may be justification for extending that percentage a little.
9. However, although no precise figures were given, it would appear from the submitted plan that while the new surface would not affect more than 20% of the sycamore's RPA, more than half the lime tree's RPA would be affected by the new surfacing. I am therefore not satisfied that the tree roots would be protected over the long term. This would have a detrimental effect on its health and longevity.
10. It was suggested that the area around the trees has been used on an ad-hoc basis for parking without causing problems. However, this no longer appears to be possible as this part of the front garden is now enclosed by fencing and a laurel hedge. In any event occasional overspill parking on unconsolidated ground is not directly comparable with provision of a permanent hard surface that would be used regularly throughout the year and in all weathers.
11. Manoeuvring of vehicles would take place very close to the lime tree. Trunk damage could be prevented by installing protective posts. Provided these were fit for purpose and located appropriately they would be effective, although they would be seen as a somewhat alien feature within the front garden. However, they would be an insufficient mitigation measure to offset the other harm I have identified from the use of the driveway and parking area. There is therefore a risk that the long-term health of the trees would be adversely affected. This would have wider consequences for the character and appearance of the Conservation Area, which would not be preserved.

12. I conclude that the proposal would harm the character and appearance of the Rockshaw Road Conservation Area arising from the increased amount of hard-surfacing on the site and the risk to the long term health of the lime tree. It would therefore conflict with Policies DES1, NHE3 and NHE9 of the Reigate & Banstead Local Plan Development Management Plan 2019 which, amongst other things, require development to be high quality and retain features that make a positive contribution to Conservation Area. However, in terms of the Framework this harm would be less than substantial.

Other Considerations

13. The Georgian House is a mixed use property. The ground floor is operating as a pre-school nursery which is judged to be providing an outstanding learning environment for children before they go to primary school. The upper floors are residential accommodation for one of the school's directors. The additional parking area would enable the parking associated with the nursery to be separated from that of the family.
14. The evidence did not give precise details about the total number of children who attend the nursery or the number of staff. As 11 of the children have special needs, the ratio of staff to children will be higher than in some other establishments. The site is not well served by public transport, so staff are likely to travel there by car and they would therefore prefer to park on-site rather than on the roadside.
15. However, the road is a reasonable width and with good visibility in both directions. There is nothing to prevent roadside parking and there was no substantive evidence to suggest that this would result in unacceptable danger to those accessing the nursery or other road users.
16. I acknowledge that providing additional parking on the site would be more convenient for the family and would free up space for staff parking. However, these are not public benefits which can be weighed against the less than substantial harm to the Conservation Area.

Conclusion

17. For the reasons set out above I have found the proposal would conflict with the development plan and the advice of the Framework. There are no other considerations that outweigh that conflict and therefore the appeal is dismissed.

Sheila Holden

INSPECTOR