The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2020

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2021

Appeal Ref: APP/L3625/W/20/3249206
24 Epsom Lane South, Tadworth KT20 5SX

- 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 R Coughlan against the decision of Reigate & Banstead Borough Council.
- The application Ref 20/00096/F, dated 15 January 2020, was refused by notice dated 16 March 2020.
- The development proposed is demolition of the existing property and its associated ancillary buildings and development of 4 new 5 bed detached properties (with attached and detached single storey garages.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect:-

    - of the proposed dwellings on the character and appearance of the area;
    - on the living conditions of the occupiers of No 22 Epsom Lane South; and
    - of the proposed layout and the relationship between dwellings in terms of the living conditions of future occupiers.

Reasons

Character & Appearance

3. The appeal site comprises a detached house set in spacious grounds with various outbuildings. Epsom Lane South is a narrow lane with a variety of dwelling styles mostly set back from the lane. There are no footpaths and there is mainly mature vegetation to the front boundaries of the dwellings.

4. The proposal would include two dwellings fronting Epsom Lane South and two set behind them. The existing in and out access arrangement would be replaced by a single access serving all four dwellings. This arrangement is not representative of the area where the properties are generally large ones with substantial gardens.

5. Development Management Plan[1] Policy DES1 sets out criteria explaining the Council's expectations for high quality design that makes a positive contribution to the character and appearance of its surroundings. Policy DES2 relates to development of garden land and also sets out criteria which development should comply with. Further guidance on design is provided in the Council's Local Distinctiveness Design Guide[2].

6. The proposal would be at odds with the existing character of the area in that it would not reflect the spaciousness of the overall appearance of the area. Four houses on this plot would appear as overdevelopment and would be inconsistent with the prevailing semi-rural character. It would conflict with the objectives of policies DES1 and DES2 and the Design Guide. On this issue therefore I find that the character and appearance of the area would be harmed.

Living Conditions

7. The adjacent dwelling at No 22 Epsom Lane South is located quite close to the boundary with No 24 and although it sits in a narrower plot than No 24, its rear garden runs for approximately the same length. Plot 2 would be sited closest to No 22 itself whilst plot 4 would be adjacent to its rear garden. Due to the position of Plot 2 in relation to No 22 Epsom Lane South, it is unlikely to appear overbearing or overdominent. Plot 4 would be sited some way from No 22 itself and its greatest impact would be on the bottom part of the garden. However, due to the distance from the boundaries and established vegetation I do not consider that the impact would be unduly harmful.

8. Other residents have also objected to the proposal, the nearest being 58A and 58B Cross Road. However, due to the distance between the existing dwellings and those proposed, I do not consider that the occupiers of the neighbouring properties would be unduly harmed.

9. On this issue therefore, I consider that the living conditions of the occupiers of No 22 Epsom Lane South would not be harmed nor would the occupiers of other neighbouring properties. No conflict with policies DES1 or DES2 or the Design Guide would therefore occur in this regard.

Layout

10. In terms of the proposed layout, the proximity between plots 1 and 2 and between plots 3 and 4 would not necessarily lead to mutual overlooking at first floor level as plots 1 and 2 are the two frontage properties and plots 3 and 4 are the two rear properties and it would be the side elevations of each that would face each other. The main windows to habitable rooms would be to the front and rear of each property and so the relationship between gables is unlikely to cause undue harm through overlooking.

11. The access to plots 3 and 4 would pass between plots 1 and 2 and the Council has expressed concern that this would cause noise and disturbance to the future residents of plots 1 and 2. However, the garage to each house would be located at the side adjacent to the access drive and I have no reason to believe that the amount of vehicular activity would be such as to be particularly

[1] Reigate & Banstead Local Plan Development Management Plan, Adopted September 2019.
[2] Reigate and Banstead Local Distinctiveness Design Guide, March 2004.

problematical. The driveways and garages to plots 3 and 4 would be at the end of plots 1 and 2's rear gardens but any disturbance is likely to be minimal.

12. Notwithstanding my views that overall the proposal would appear as overdevelopment, in terms of the individual impact on future occupiers, I see no real harm arising from the layout. I also find that the proposal would not conflict with policies DES1 or DES2 or the Design Guide with regard to this issue.

Conclusion

13. I have considered all other matters raised including the National Planning Policy Framework[3] and the presumption in favour of sustainable development that meets the Borough's housing needs. However, neither this nor any other matter raised alters my conclusion.

14. I have found the proposal would not have a unduly harmful effect on the occupiers of neighbouring properties, in particular No 22 Epsom Lane South, nor on the future occupiers of the proposed dwellings. However, I have found that the proposal would harm the character and appearance of the area.

15. I therefore conclude that the proposal would conflict with policies DES1 and DES2 and the Design Guide in that it would have a harmful effect on the character and appearance of the area. The appeal therefore fails.

J D Clark

INSPECTOR

[3] Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019.