
Appeal Decision

Site visit made on 1 March 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Appeal Ref: APP/L3625/W/20/3261266

2 Vernon Walk, Tadworth KT20 5QP

- 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 Mark Hendy of Shanly Homes Limited against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/00357/F, dated 14 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is erection of 10 no. dwellings with associated landscaping, vehicular access and parking following partial demolition of semi-detached house at 2 Vernon Walk.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised plans submitted during the appeal show the crossover access replaced with a bell mouth arrangement. Swept path analysis demonstrates that the access would operate satisfactorily for refuse vehicles. The Council has confirmed that these amendments would overcome refusal reason no 5. The changes are minor and no party would be prejudiced by my determining the appeal based on the new plans.
3. Additional survey work has been undertaken which shows that the proposal would not have an adverse impact on protected species. The Council is content that, subject to the mitigation and enhancement measures recommended in the reports being secured by condition, refusal reason no 6 has been addressed.

Main Issues

4. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) whether the scheme provides an appropriate housing mix; and
 - c) whether the development would provide acceptable living conditions for future occupiers, with particular regard to the outdoor amenity space for Plots 4, 5 and 6.

Reasons

Character and appearance

5. The appeal site comprises garden land belonging to a number of residential properties in Vernon Walk and Shelveys Way. The proposal is to erect 10 no. detached and semi-detached dwellings, served by a new road running along the side of 2 Vernon Walk. Various side extensions to this property would need to be demolished in order to facilitate access to the site.
6. Backland development is not a characteristic feature of the area. However, I note that residential development has been permitted to the rear of properties on the south side of Shelveys Way. That scheme was under construction at the time of my visit. The Council has no objection to the principle of developing the appeal site, but considers that the proposal would conflict with Policies DES1 and DES2 of the Reigate & Banstead Local Plan Development Management Plan (2019) (DMP) on design and residential garden land development.
7. The new access would be positioned between the flank wall of No 2 and the boundary with 2A Vernon Walk. The plans show a small area of land for planting near the site entrance, but this would not provide opportunity for meaningful landscaping. In comparison with the Shelveys Way development, which has a wide grass verge and generous amounts of tree/shrub planting, the access serving the appeal scheme would be visually constrained and out of character. There would be conflict with DMP Policy DES2 which requires development on back garden land to provide well-designed access roads, with space for suitable landscaping and maintain separation to neighbouring properties.
8. The majority of dwellings would be arranged in a single row to the rear of the site. Although the architecture would be unobjectionable, the plots would be narrow and the houses closely spaced, significantly more so than existing properties in Vernon Walk. Furthermore, the outermost plots would be pushed up close to the side boundaries. The hipped roofs on some units would assist in breaking up the combined mass of buildings, but the layout would be unduly cramped and it would fail to respect the surrounding area's spacious character. Plot 10 would relate poorly to the rest of the development; its position within the site, set apart from other dwellings, would be visually discordant.
9. Although the houses would have front gardens, a significant amount of land would be dedicated to parking and hard surfacing and there would be limited room for strategic landscaping. Realistically, it is impossible for a development such as this to maintain the existing garden character. However, it is reasonable to expect a level of tree and shrub planting outside of residential curtilages which compensates for the loss of greenery and softens the appearance of the built form. DMP Policy DES2 requires proposals to retain mature trees and hedges, and other significant landscaping features, and include grass verges and street planting that supports wildlife and maintains green corridors. The proposal does not adequately address this policy requirement.
10. For the above reasons, I conclude that the proposal would be materially harmful to the character and appearance of the area. There would be conflict with DMP Policy DES2 and with Policy DES1 insofar as this requires new development to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings.

Housing mix

11. DMP Policy DES4 states that all new residential developments should provide homes of an appropriate type, size and tenure to meet the needs of the local community. Applied to the appeal scheme, the policy requires at least 20% of market housing as smaller (one and two bedroom) homes, unless it can be demonstrated that it is not financially viable or technically feasible to do so, that there would be no need or market demand for a particular size of homes, or that doing so would have an adverse impact on the character of the surrounding area. The supporting text explains that the policy will help to meet the need for smaller family housing (including as part of residential garden developments where larger housing normally prevails), but balances this with flexibility for schemes to respond to site specific viability, practicality, and local character issues.
12. The proposal would deliver a mix of three and four bedroom homes, more than half of them in the former category. The appellant contends that there is variation in the size of the dwellings and that the three bedroom homes could function as two bedroom units if one of the bedrooms were to function as a study or office for home working. However, these arguments undermine the objectives of the policy, which is to provide smaller family housing. There is no practical reason why the scheme could not incorporate a proportion of flats, maisonettes or smaller houses, and I have seen no substantive evidence to demonstrate that this would be financially unviable. I noted during my visit that two bed homes have been successfully integrated into the Shelveys Way development without detriment to the character and appearance of the area.
13. I acknowledge that the scheme was formulated in advance of the adoption of the DMP. However, the Council was required to assess the proposal against the development plan as it existed at the time of its decision. Although the timing was unfortunate for the appellant, it is not a factor which would justify setting development plan policy aside.
14. Accordingly, I conclude that the scheme would not provide an appropriate housing mix in line with DMP Policy DES4. Although the policy provides flexibility, adequate explanation has not been provided for the mix proposed.

Living conditions

15. The rear gardens to Plots 4, 5 and 6 would back onto a large tract of woodland which buffers the site from the A217. The gardens would be modestly sized, but there is no suggestion that they would be substandard in terms of their overall area. The Council is concerned with the quality of the outdoor space, and more specifically its relationship to trees on neighbouring land. One Ash and one Oak in particular have canopies which extend across the boundary into the site.
16. Calculations from the appellant indicate that the percentage of garden not beneath a tree canopy would range between 48% and 58% depending on the plot, with the crown extremities between 5 m and 7.4 m from the rear wall of the dwellings. Trees can contribute to the amenity value of gardens by providing an attractive outlook, shady spots or opportunities for wildlife. However, in this case the gardens would be dominated by overhanging branches, restricting light levels and adversely affecting the enjoyment of the gardens. These adverse impacts would worsen as the trees reach maturity.

17. Residents of the properties would be entitled to cut back overhanging branches. However, there is a significant risk that the tree works would not be carried out to a professional standard. Inappropriate works could harm the health of the trees and contribute to their premature decline. Although unprotected, the trees have ecological and amenity value as part of the woodland with an estimated remaining life expectancy of at least 20 years. Their retention is supported by DMP Policy NHE3.
18. Consistent with paragraph 127 (f) of the National Planning Policy Framework, Policies DES1, DES2 and DES5 of the DMP collectively require proposals to provide a good standard of amenity for all future occupants of development. The proposal would not achieve this in respect of Plots 4, 5 and 6 and there would be conflict with the development plan in this regard.

Planning Balance and Conclusion

19. The appeal site lies within the urban area where the Council prioritises new development. The proposal would boost the supply of housing and contribute to meeting the Borough's identified housing need. It would bring benefits to the construction sector and support the local economy through additional consumer spending. However, there would be conflict with the development plan taken as a whole, in relation to the impact on the character and appearance of the area, housing mix and the quality of living environment for residents. The benefits do not outweigh the harm and for this reason I find that there are no material considerations to justify a grant of planning permission.
20. For the reasons given above, and having taken account of all other concerns raised in representations, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR