

Appeal Decision

Site visit made on 8 June 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/L3625/W/20/3265472
Little Thorns, London Road, Redhill RH1 2JU

- 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 Adrian Elshaw of Beaufort Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref. 20/00861/F, dated 28 April 2020, was refused by notice dated 27 November 2020.
 - The development proposed is for the demolition of a detached house and garaging, and construction of a block of 7no apartments including parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application as originally submitted sought planning permission for the construction of 8no apartments, however during the processing period of the application Officers of the local planning authority sought revisions to the scheme. These revisions gave rise to the reduction of 1no unit consequently, as described above, the proposal now seeks permission for the construction of a block of 7no apartments and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 1-8 Holcon Court, with specific reference to outlook.

Reasons

4. The appeal site comprises a two storey detached house located within a large plot with a garage building constructed between it and the site's southern boundary shared with 1-4 Holcon Court, 2no pairs of maisonettes.
5. Paragraph 6.18 of the Planning Committee report sets out the differences between the proposal before me and the previous appeal scheme (Ref. APP/L3625/A/05/1189811) dismissed by my predecessor in 2006.
6. In comparison, I note that the proposed block of flats has been rotated in a clockwise direction such that it would now be slightly angled away from the rear elevation of nos 1-4, although the distance between those maisonettes and the closest element of the proposal has only been increased by 0.7m; and with a fractionally lower ridge height that in reality would be imperceptible.

7. Nonetheless, the overall depth of the building has been reduced by 3m from that previously proposed and the rear-most element would be further away from the rear of 5 & 6 Holcon Court by at least 2m. On balance I consider that the impacts of the proposal upon the outlook of the occupants of nos 5 & 6, as well as 7 & 8 Holcon Court would be slight and would not give rise to demonstrable harm to their living conditions.
8. However whilst I acknowledge that the closest element of the proposed building to nos 1 & 2 would only be approximately 1.2m deeper than the existing flank wall of Little Thorns, it would be higher, providing internal accommodation over two and a half storeys. The street elevation shows the outline of the proposed building along with that of the existing house and of the 2005 scheme, and whilst clearly the flank elevation would be slightly further away from the southern boundary than the existing, the whole southern flank elevation of the main range would be significantly deeper. Taking into account the shallow depth of the rear gardens of nos 1 & 2 in particular, I consider that the proposal would give rise to a material overbearing effect upon their occupants.
9. I accept that the reduction of accommodation from 8no units to 7no gave rise to a reduction of the bulk and height of the central portion of the building as originally submitted; and that the privacy and daylight/sunlight afforded to neighbouring residents would not be unduly harmed. I have also had regard to the example at Claremont Road cited by the appellant, although I have not been provided with the full details of this development and ultimately each case must be assessed on its own merits. Therefore notwithstanding the fact that as a piece of standalone architecture the proposed building would not have a detrimental effect upon the character and appearance of the area, and it would be in a sustainable location, these factors in favour of the scheme do not outweigh the harm that I found in respect of living conditions.
10. The proposal would give rise to a material loss of outlook to the occupants of 1 & 2 Halcon Court and I find the proposal is contrary to policy DES1 of the Reigate and Banstead Local Plan Development Management Plan (2019) which sets out a number of design criteria that are expected to be met, including not adversely impacting upon the amenity of occupants of existing nearby buildings, by way of overbearing and obtrusiveness.

Conclusion

11. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR