

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/20/3263173

Brockmere, 43 Wray Park Road, Reigate RH2 0EG

- 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 Chambers of Priors Group against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/01275/F, dated 22 June 2020, was refused by notice dated 1 October 2020.
 - The development proposed is to maintain use of existing vehicular access and revised parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal within the planning application form originally included a new separating fence. However in response to the Council's concerns, the appellant submitted a revised site plan (drawing no 393-0419/P02 E) to them identifying the provision of box hedging as a means of boundary treatment, in lieu of the close boarded fencing. The Council did not take this into account when determining the proposal. However, bearing in mind the fact that the planting of a hedge does not amount to operational development and the Council have had an opportunity to make comments on this change, I consider that such an amendment would be insignificant and would not prejudice the interests of any party to the appeal. I have therefore deleted the reference to the fence within the description of development above and have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the setting of the locally listed building and whether the proposal would preserve or enhance the character or appearance of the Wray Common Conservation Area.

Reasons

4. The appeal site comprises a grand former Victorian residence that was converted into flats some time ago. Other alterations to this building have more recently been permitted and along with the erection of a new coach house dwelling to the rear, the extant planning permission has been implemented. The closure of the eastern-most access was required pursuant to condition 11 of planning permission references 15/02830/F and 19/00401/S73. The reason for the imposition of this condition was so as to not prejudice highway safety; although I note that no

objection has been raised by the local highway authority to the appeal proposal, subject to parking and turning facilities being provided. I also noted on my site visit that historically the property had two driveway entrances at the far western and eastern ends of the road frontage respectively, evidence of which can be denoted from the presence of dropped kerbs. Therefore I consider that as a matter of principle there should not be an objection to the retention of the existing access on the eastern side of the site's frontage.

5. As with other buildings within the conservation area, the appeal building is set within extensive landscaped grounds and which include a number of trees which are specifically protected by a Tree Preservation Order. Whilst I note that the appellant submitted a copy of an arboricultural implications report and tree schedule with their statement, these are dated March and January 2016 respectively and do not relate specifically to the scheme in hand. I accept that in terms of ground coverage of hard surfacing, the increase would only be marginal, as identified within Appendix E of the appellant's statement, (parking spaces 7-11). However this would amount to further development within the root protection area of a substantial Swamp Cypress tree which could be harmed by engineering works without suitable safeguards in place.
6. I acknowledge that without prejudice to the outcome of the appeal, the Council has recommended that conditions could be imposed that require further arboricultural information to be submitted. If I had been so minded to have allowed the appeal, I consider that it would have been reasonable to require the implementation of no-dig construction so as to avoid compaction to the roots of that tree. Therefore from an arboricultural perspective alone, I consider that the Swamp Cypress, in addition to other protected trees could be adequately protected, in the interests of the visual amenities of the area. However whilst I understand the desire to delineate between external amenity areas serving the flats in Brockmere and the new coach house, I consider that by creating an independent, subdivided access to serve the rear of the site, the proposal unnecessarily pushes the car parking for the former into a far tighter space, immediately in front of the principal elevation of that building.
7. Ultimately I consider that the revised parking arrangement would amount to a retrograde step that would create a car-dominated environment, giving rise to harm to the setting of the locally listed building, a non-designated heritage asset, but would also lead to less than substantial harm to the significance of a designated heritage asset, the conservation area. No public benefits have been advanced to outweigh this harm, contrary to the National Planning Policy Framework.
8. Consequently I find that the proposal would fail to preserve the character and appearance of the conservation area, and would be contrary to policies NHE9 and DES1 of the Reigate and Banstead Local Plan Development Management Plan (2019) which require development to protect, preserve and wherever possible enhance the Borough's designated and non-designated heritage assets, and requires new development to be of a high quality that makes a positive contribution to the character and appearance of its surroundings.

Conclusion

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

C J Tivey INSPECTOR