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# Appeal Decision

Site Visit made on 6 May 2021

**by Rory MacLeod BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 June 2021**

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**Appeal Ref: APP/L3625/W/21/3267307**

**Land adjacent to 86- 100 Chilberton Drive, Merstham, Surrey RH1 3HP**

- 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 M Mangal against the decision of Reigate and Banstead Borough Council.
  - The application Ref 20/00789/F, dated 11 June 2020, was refused by notice dated 10 November 2020.
  - The development proposed is erection of 2 x semi-detached 3 bedroom houses and associated driveways and private gardens; provision of public open space, repositioning of driveway, replacement car parking and associated landscaping and other works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Planning permission was refused for 4 houses on the site in 2005 and for 3 houses on the site in 2006. An appeal on the latter decision, application 06/00116/OUT, was dismissed.
3. The current proposal follows the receipt of pre-application advice and was recommended for approval but was refused permission by the Council's Planning Committee.

## Main Issues

4. The main issues are:
  - (a) the acceptability of the reduction in open space with respect to current development plan policies,
  - (b) the effect of the revised parking arrangements on parking stress, and
  - (c) the effect of the development on the character and appearance of the area with respect to the siting, design and layout of the houses and landscaping of the wider site.

## Reasons

5. The appeal concerns a small land parcel, about 0.1 hectare in area, located to the eastern side of Chilberton Drive. The site has an irregular shape and comprises grassed areas with several mature trees. It is privately owned but the land is publicly accessible. A vehicular access from Chilberton Drive through the site passes bays of apparently unallocated parking spaces to 4 allocated parking spaces in front of 86-92a Chilberton Drive.

6. The site is within a predominantly residential area. It is bound to the south-west by the flank wall and gardens to 84 Chilberton Drive, a semi-detached house facing the carriageway, to the south-west by Tilers Close and to the north by terraced houses at 86-100 Chilberton Drive that face towards the appeal site. The proposal would involve the provision of a pair of semi-detached houses with gardens adjacent to no.84 over the present access and a bay of 4 unallocated parking spaces. A new access road would serve 5 new unallocated spaces opposite the allocated parking spaces involving the removal of trees and grassed areas, but replacement trees are proposed.

#### *Open Space*

7. Land proposed for the curtilages of the two houses would occupy about half the present open space. A smaller area would be retained at the south-eastern part of the site. The appellant has submitted an Open Space Needs Assessment<sup>1</sup> which in relation to the site's quality, accessibility and quantity concludes that the site should be regarded as surplus to requirements. The Assessment refers to larger open space sites nearby offering a greater range of activities and considers that the loss of part of the Chilberton Drive site would not create a local deficiency in quantity or accessibility.
8. I am in no doubt however, having regard to the representations received on the proposal, that the site provides an appreciated safe place for children to play overlooked by houses and a community facility for local residents, much as indicated by the Inspector in the 2006 appeal decision that was dismissed in part due to the loss of open land. The site would therefore be more than just "a visual amenity" as indicated in the Assessment.
9. But local planning policies on open space have changed since that time. The Council's first refusal reason refers to a definition of "*other open land within urban areas*", but that definition no longer applies to current development plan policies. Policy OSR1 of the Development Management Plan (2019) (DMP) provides protection for the full or partial loss of land designated as Urban Open Space, but the appeal site does not have this designation. Policy OSR2 requires the provision of open space in new developments, but only applies to sites of 25 homes or more. The current proposal for 2 houses does provide open space, albeit smaller than currently exists, and would not be contrary to either of these policies. Policy CS12 of the Reigate and Banstead Core Strategy (2014), also referred to in the first refusal reason, resists the loss of open spaces unless it can be demonstrated that the existing use is surplus to requirements. There would be limited conflict with the aim of this policy but not with the strategy on open space set out in the DMP which is more recent and sets out the details on how the Core Strategy policy should be interpreted.

#### *Parking*

10. The present layout of the site with unallocated parking spaces in a landscaped setting would appear to have derived from a residential development granted in December 2000 (ref. 00P/0928/F). The proposal as submitted would provide 2 spaces for both new houses and the re-provision of all unallocated spaces. But following concerns from the County Highway Authority about visibility from one of the unallocated frontage spaces, this was removed from the plans, resulting in a shortfall of one re-provided space.

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<sup>1</sup> Open Space Needs Assessment: by Knight, Kavanagh & Page Ltd, Management Consultants, February 2020.

11. The appellant has submitted a Parking Stress Survey undertaken in March 2020 following the widely accepted Lambeth Methodology. This found that the streets surrounding the site were at capacity with parking stress in excess of 100% (due to half-on, half-off footway parking on narrow and curved sections of the carriageway and parking across dropped kerbs). The only parking noted at the site itself were 2 large vehicles occupying 3 frontage spaces with no parking on unallocated spaces deeper within the site.
12. However, the inference that there is capacity at the site is contrary to the evidence from residents that unallocated spaces within the site are regularly used. As the survey confirms that on street parking is already at capacity, it would be appropriate for all lost spaces to be replaced. If the scheme had been found acceptable in other respects, it would have been possible to include a planning condition to require submission and approval of a plan for additional parking at the expense of remaining open land.
13. My findings are that the shortfall in overall parking provision would result in additional pressure on on-street parking that would be to the detriment of the local area. The proposal would thereby be contrary to Policies CS1 and CS10 of the Core Strategy and Policies DES1, TAP1 and Annexe 4 of the DMP in relation to parking provision not resulting in unacceptable levels of parking stress.

#### *Character and appearance*

14. The area round the site comprises two storey semi-detached and terraced dwellings of consistent design and appearance. The proposed houses would be perceived against the row of semi-detached houses 70-84 Chilberton Drive and would be similar in plot size, profile and design. They would be narrower and set back from the frontage, but at nos. 50-52 there is also a narrower pair of houses set back from the road.
15. Yet the degree of set back would be much greater for the proposed dwellings such that half their depth would be beyond the rear wall of no. 84 Chilberton Drive. This would result in a harsher outlook from the rear of no. 84 with associated tree loss at the site. Notwithstanding the set back, the frontage parking spaces would be close to the realigned access road and would result in a relatively tight appearance in the street scene. In combination with the proximity to no. 84 the development would have a cramped appearance in comparison with the more orderly layout and siting of houses nearby.
16. The open space and many trees within the appeal site do form a visual amenity which is currently a positive element within the character of the wider area. The appellant has submitted arboricultural information which confirms that the proposal would result in the loss of 5 category B trees, and also several other trees of lesser ranking. The loss of the category B trees mainly arises through the alignment of the new access road and proximity to the houses and would be necessary with the proposed layout. The loss of a group of the finest and most prominent trees from the central part of the site would be a negative consequence of the proposal on the character and appearance of the area.
17. The proposal by reason of the siting of the houses and loss of landscaping would be harmful to the character and appearance of the area, contrary to Policy DES1 of the DMP which requires new development to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings and to promote and reinforce local distinctiveness.

18. I acknowledge that the proposal would not be conspicuous in views along Chilberton Drive from either direction due to the set back of the houses within the site, the presence of street trees and the curvature of the road, but the site in depth forms part of the character of the area and would be adversely affected by the proposal. The proposed landscape scheme would help to enhance the appearance of the site, particularly in the fullness of time when new trees have had opportunity to grow, but this would not compensate for or justify the extensive removal of mature trees currently on the site. There would also appear to be a dispute on whether land proposed for a new frontage tree is within the appeal site.
19. The appellant emphasises the status of the land as 'surplus to requirements' in relation to open space needs and 'underused' and also points out that the proposal would make full and effective use of the land in accordance with Paragraph 117 of the National Planning Policy Framework (the Framework). But this paragraph also states, *"while safeguarding and improving the environment and ensuring safe and healthy living conditions"*. The proposal would not improve the environment. It would also be contrary to Paragraph 127(c) of the Framework which requires developments to be *"sympathetic to local character and history, including the surrounding built environment and landscape setting"*.

#### *Planning balance*

20. The proposal would result in the benefit of two adequately sized homes with satisfactory gardens and parking within an established residential area. The development would also be in a sustainable location near to most everyday facilities. It would make a modest contribution towards the general need for additional homes in accordance with the Government's objective of significantly boosting the supply of homes at Paragraph 59 of the Framework.
21. This benefit would be outweighed however by the harm arising to the character and appearance of the area from the siting of the houses and extensive tree loss and by additional on-street parking stress. The proposal would be contrary to Policies DES1 and TAP1 in these respects. There are no material considerations that lead me to conclude that the decision on the appeal should be taken other than in accordance with the development plan.

#### **Conclusion**

22. I acknowledge that the appellant has sought to cooperate with the Council and County Highway Authority at pre-application and application stages. But notwithstanding this, for the reasons given above I conclude that the appeal should be dismissed.

*Rory MacLeod*

INSPECTOR