



Appeal Decision

Site Visit made on 8 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/L3625/W/21/3269591

47 Lumley Road, Horley RH6 7JF

- 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 Mercer Taylor against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/02062/F, dated 24 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is "change of use of existing building from B8 (storage) to C3 (residential) to provide three residential units, plus associated works of alterations and construction".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mercer Taylor against Reigate and Banstead Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the proposed development would provide acceptable living conditions for future residents, with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site is occupied by a steel framed industrial building located in a residential area, behind a detached dwelling on a road mainly characterised by pairs of semi-detached dwellings. The building is of utilitarian appearance with brickwork walls, corrugated metal-clad front and rear facing gable ends, a dual pitched roof with roof lights and a large roller shutter vehicle entrance and side door on the front elevation. The existing building is therefore out of character with the site's surroundings.
5. It is proposed to carry out various alterations to the existing building and convert it into 1 x one-bedroom flat and 2 x two-bedroom flats. The proposed external alterations would include a replacement roof with a ridge height and slope angle to match the existing, and long dormers on each side elevation. Sections of the building would be removed on each side to create an entrance yard, private patio-garden and private terraces within the existing envelope of

the building. Three garage doors and a single communal entrance to the building would be provided on the front elevation. The side facing dormers would be partially visible from neighbouring properties and the front of the appeal site, but they would be low-level and of little consequence in the context of the existing building. They would not better reflect the residential character of neighbouring buildings than the existing roof form and the building would, as a result, remain incongruous in its surroundings. The proposed external alterations would therefore have a neutral impact on the existing character of the building, which would retain its unattractive largely industrial appearance. This would include having the entrance and garage doors inserted into the existing brickwork wall with a retained corrugated metal gable above, in front of a vehicle turning area. Put simply, it would not be of high-quality design or make any positive contribution to the character or appearance of the area.

6. As a conversion scheme, I agree that there is limited scope for the proposal to respond to the local residential context. That said, it has not been demonstrated that conversion of the building is the only option open to the appellant, or that there are no opportunities to improve the appearance of the building and site as part of the proposal other than those which are included in the appeal scheme.
7. It has been claimed that the proposal would enhance the area by replacing the existing 'storage' use (B8 use class) with dwellings, which would result in less noise, disturbance, pollution and congestion in surrounding streets. The existing building appears to be vacant and no details have been submitted to show how the building was and can be used and any planning conditions applicable to that use. That said, the appellant's submissions appear to suggest that the storage use is not due to recommence, such is their preference for a residential use at the appeal site either in the form of that proposed or an extant prior approval scheme.
8. The restrictive size and layout of the appeal site suggests to me that large vehicle movements would not be a regular occurrence. Accordingly, I doubt the findings of the appellant's Transport Statement that the storage use generates 34 vehicle movements across a typical day. I have read third party comments which suggest the storage use does not cause any disturbance when the planning conditions applicable to the site are complied with and that previous uses have resulted in minimal vehicle movements over weekdays. However, I have also read third party comments referring to noise and disturbance caused by previous uses of the site. Considering its stated lawful use and in the absence of details of any conditions restricting that use, I consider it likely that the proposal would marginally improve the area by reducing the opportunities for noise, disturbance and traffic that would ordinarily be associated with a storage use at the appeal site, compared to the three proposed dwellings.
9. Whilst the area may experience a slight improvement in terms of an industrial use being replaced by a residential use, there would be no improvement to the appearance of the area. Instead, its appearance would remain harmful in visual terms for the reasons I have given. As such, the proposed development would fail to accord with Policy DES1 of the Council's DMP¹, which states, amongst other things, planning permission will be granted for all new

¹ Reigate and Banstead Local Plan: Development Management Plan (2019)

development which is of high-quality design that makes a positive contribution to the character and appearance of its surroundings.

10. The Council have also referred to their Local Distinctiveness Design Guide², but I have not been directed to any particular parts of this document. I have not found any sections of this document, which does not form part of the development plan, to be relevant to the proposal.

Living Conditions for Future Residents

11. The proposed arrangement of residential units would comprise a two-bedroom flat at ground floor level (Flat 1), and a one-bedroom flat (Flat 2) and a two-bedroom flat (Flat 3) at first floor level. Flat 1 would have access to a private patio-garden and Flats 2 and 3 would have access to a private terrace each. Each flat would meet the relevant internal space standards³ and have access to individual garages, bicycle and refuse stores.
12. However, none of the flats would benefit from acceptable levels of outlook. Not including bathroom windows, the views from all but three windows/glazed doors would face directly onto tall opposing walls or privacy screens; in the case of the two windows serving Bedroom 2 of Flat 1 and Flat 3, they would face into the enclosed communal entrance yard. The kitchen, bathroom and lobby windows of Flat 2 and the bathroom and lobby windows of Flat 3 would receive direct sunlight, but none of the other windows or glazed doors would.
13. Each flat would have glazed double doors leading from kitchen/dining/lounge areas into private outside space, but the value of those outside spaces would be limited due to their tightly enclosed arrangement. Located on the north-western side of the building and surrounded by tall walls and privacy screens, the ground floor patio-garden would be in almost constant shade and the first-floor terraces would likely be shaded most of the time. Overall, the quality of outlook experienced by all occupants of the proposal would be extremely poor.
14. The proposal would therefore fail to provide acceptable living conditions for future residents. This would be contrary to Policy DES5 of the Council's DMP, which requires, amongst other things, new residential development to provide high quality accommodation which must ensure primary habitable rooms have acceptable outlook, creating good living conditions for future occupants.

Other Matters

15. Both main parties have referred to an alternative scheme at the appeal site which benefits from prior approval for the conversion of the appeal building into two dwellings. Both main parties agree there is a real prospect of this development being implemented. It thus represents a fallback position. The appellant claims the appeal proposal would offer significant benefits compared to the fallback scheme, particularly in respect of enhanced living standards. The Council claim that the appeal proposal would result in three dwellings with equally substandard accommodation when compared to the two dwellings that form the fallback scheme, and that the appeal proposal would be a worse outcome because it would subject occupants of an additional dwelling to substandard living conditions.

² Reigate and Banstead Local Distinctiveness Design Guide (2004)

³ Technical housing standards – nationally described space standard, DCLG (2015)

16. I have not been provided with the full details of the fallback scheme to allow me to assess the likelihood of the scheme being implemented and to appreciate the full implications of that scheme and weigh them against those of the proposal. I am unable to rely on the written descriptions of the fallback scheme provided in the appellant's submissions in the absence of corresponding descriptions from the Council or the full details of that scheme. Both main parties agree there is a reasonable prospect of the fallback scheme being implemented, but the appellant has failed to demonstrate the fallback scheme would be equally or more harmful than the appeal proposal. With these matters in mind, I am unable to attribute much weight to the fallback scheme.
17. The appellant has referred to benefits associated with the proposed development including the creation of a good mix of efficient dwellings on previously developed land which would contribute to housing supply in an accessible location, as supported by the Framework⁴ and in compliance with policies of the development plan. Neither of the main parties have made any detailed representations in respect of the significance of the contribution the proposal would make towards meeting housing targets, but the provision of three dwellings against what the appellant refers to as an annual target of 460 would be modest. No evidence is before me to suggest those targets are not being met. For a housing development to be acceptable, one would expect it to be in an accessible location. This matter is therefore neutral. I would ascribe some weight to the use of previously developed land and the mix of the units on offer.

Conclusion

18. The proposed development would give rise to harm and subsequent conflict with the development plan regarding the two main issues of the appeal. I ascribe this harm and policy conflict substantial weight. I have investigated the other matters put to me but, and for the reasons given, they would not attract sufficient weight to make the proposed development acceptable and lead me to allowing the appeal, which should accordingly be dismissed.

L Douglas

INSPECTOR

⁴ National Planning Policy Framework (2019)