

Appeal Decision

Site visit made on 21 June 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/L3265/D/21/3272109

Pinetrees, 51 Woodland Way, Kingswood, Tadworth, Surrey KT20 6NN

- 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 Mrs Ekta Srivastav against the decision of Reigate & Banstead Borough Council.
 - The application, Ref. 20/02589/HHOLD, dated 20 November 2020 was refused by notice dated 27 January 2021.
 - The development proposed is (i) alterations to the existing building to form a roof terrace including a link from the first floor of the main dwelling and an external staircase to the garden, and (ii) electronic site access gates with flank walls to the front boundary.
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Decision

1. The appeal is allowed and planning permission is granted for (i) alterations to the existing building to form a roof terrace including a link from the first floor of the main dwelling and an external staircase to the garden and (ii) electronic site access gates with flank walls to the front boundary, at Pinetrees, 51 Woodland Way, Kingswood in accordance with the terms of the application, Ref. 20/02589 /HHOLD, dated 20 November 2020 and subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the flank screen wall to the roof terrace on the character and appearance of the Kingswood Residential Area of Special Character ('the RASC'), and (ii) the effect of the proposed wing walls to the front entrance on the character of the RASC and the Kingswood Warren Historic Garden area.

Reasons

3. On the first issue, the Council's objection concerns the brick screen wall to be erected on an alignment between 1.4m and 2.4m away from the northwest flank boundary with the neighbouring house, West Acre. This would enable the adaptation and extension of the outbuilding to create a terraced sitting out area with a direct access via a bridge link from the master bedroom and an external stairway access to the garden.
 4. However, whilst the Council considers that the 4.9m height of the wall would harmfully increase the built form at first floor level close to the boundary, the latter is comprised of an up to 5m high and 4 to 5m wide dense mix of hedge, shrubs, and trees, positioned well away from the actual house of West Acre. I therefore consider that a spacious character would remain, with the proximity of building
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similar to the built form / boundary relationship on neighbouring plots, as can be seen from the OS based Location Plan submitted with the application.

5. Furthermore, the top of the proposed wall would line in exactly with the eaves level of the main dwelling. Had it been higher than that, I consider that it may well have been unacceptable. It is also the case that with the proposed terrace level below that of the existing crown roof of the outbuilding, the additional height of the screen wall would constitute little or no bulk. And in-between the wall and the main house the spaces between the guard railings would maintain an element of openness at this first floor level. In addition, the height of the railings would only be marginally above that of the existing crown roof.
6. I acknowledge that if the boundary planting were in fact to be 'ephemeral', to use the Council's term, the northwest elevation of the wall, as seen from West Acre, would indeed appear as obtrusive and inappropriate in this entirely private aspect. However, the character of the Kingswood RASC is one of large plots with their high, densely planted informal boundaries, as is the case here, and I consider it very unlikely that this situation would ever materialise.
7. Turning to the proposed entrance gate and wing walls, the officer's report notes that *'there may be other examples of wing walls in the area, with or without the benefit of planning permission'*. However, despite the equivocal nature of this comment, on my visit to the site and its surroundings I saw wing walls at the entrances to Tall Trees, the adjoining property to the southeast and to No. 66 directly opposite the appeal site, as well as those of other dwellings in the RASC.
8. Bearing in mind these two specific examples with no further explanation from the Council, I consider that it would be wholly inequitable to dismiss this part of the appeal. The need for more security and a more formal entrance to the property is understandable in this case, and in my view the more relevant, realistic, and sustainable objective is to ensure that existing trees and the historic rhododendron hedge are protected and supplemented. This can be achieved by imposing a condition on the lines suggested by the Council's tree officer.
9. Taking both elements of the appeal together, I conclude that no harm would be caused to the character and appearance of the RASC and the Kingswood Warren Historic Garden area, including the rhododendron hedge. Accordingly, there would be no harmful conflict with Policies DES1; DES3; NHE3 & NHE9 of the Reigate & Banstead Local Plan: Development Management Plan 2019 or with Government policy in Section 12: 'Achieving Well-Designed Places' & Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2019.
10. I shall therefore allow the appeal and grant planning permission. In addition to the aforementioned tree protection condition, a condition requiring the external materials of the alterations to the outbuilding to match the existing will maintain visual amenity and the character of the dwelling. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. Finally, a condition securing adequate visibility at the entrance will ensure the safety of residents of and visitors to the area.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this Decision;
- 2) The facing brickwork to be used for the extensions to the building to construct the roof terrace shall match that of the existing building;
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 101;100A; 102; 103C; 104C; 105B; 106B;
- 4) The proposed modification of the vehicular access hereby approved shall be constructed and provided with visibility zones in accordance with a scheme to be first submitted and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m in height;
- 5) No alterations to the driveway entrance, including groundworks, shall commence until a detailed Tree Protection Plan (TPP) and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The TPP shall contain details of the specification and location of tree protection (barriers and/or ground protection) and of any construction activity that may take place within the protected root areas of trees/hedges shown, where retained on the TPP. The tree protection measures shall be installed prior to any development activity and will remain in place for the duration of all construction works. The tree protection barriers/ground protection shall only be removed on the completion of all construction works, including hard landscaping. The landscaping scheme shall include any supplemental planting necessary to maintain the integrity and vitality of the existing rhododendron hedge. All works shall be carried out in strict accordance with these approved details.