



Appeal Decision

Site visit made on 30 April 2021

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JULY 2021

Appeal Ref: APP/L3625/2W/20/3262007
10A High Street, Horley RH6 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Simco Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 19/0417/OUT dated 4 July 2019 was refused by notice dated 27 April 2020.
 - The development proposed is demolition of existing buildings and erection of one, four storey block containing 12 one bed apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline seeking approval of the matters of: appearance, landscaping, layout and scale. Therefore, I have not considered the matter of access. The original proposal for 12 two-bedroom apartments was amended to 12 one bed apartments, and I have considered the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area;
 - the living conditions of future occupants, with particular regard to daylight and outlook; and
 - the living conditions of neighbours with particular regard to daylight, outlook and privacy.

Reasons

Character and appearance

4. The appeal property is previously developed land to the rear of 10-14 High Street, in Horley town centre, containing two low rise commercial buildings that are partially visible from Consort Way East. The appeal property is accessed from the pedestrian and cycle zone on the High Street.

5. It is proposed to demolish the two buildings and construct a 4-storey block of twelve 1-bedroom flats, with planted areas and cycle storage. The new block would be positioned parallel to the High Street and close to neighbouring properties, including Imperial Building which contains flats on the upper floors, following conversion.
6. Even taking into account the presence of Imperial Building, proposed development of this width and depth, at a height of around 11m would be clearly visible from the surrounding area, towering above properties along the High Street, resulting in adverse visual impact. The existing buildings are significantly lower and others nearby are mostly 2 or 3 storeys. The development would provide limited amenity and circulation space within the curtilage, due to the size of the building footprint and its very close proximity with neighbouring properties. In particular No 8, Nos 10-14 and Imperial Building where the distance between elevations would, in instances, be as little as 2m or so.
7. Therefore, by virtue of its siting, scale and massing, the development would appear unduly cramped in its plot and have an unsympathetic, overbearing impact on the area. This would result in unacceptable harm to the character and appearance of the surrounding area.
8. Therefore, the proposal conflicts with Policy DES1 of Reigate & Banstead Local Plan Development Management Plan 2019 (DM Plan). Among other things, this requires development to be of a high quality of design and make a positive contribution to the character and appearance of its surroundings.

Living conditions of future occupants

9. All flats within the proposed development would have narrow width, angled windows, on the South East elevation, limiting the amount of natural light reaching the living area and bedroom, and would restrict outlook creating an unwelcomed sense of enclosure/confinement. This situation is exacerbated in relation to proposed ground floor unit 3 and first floor unit 6, where windows would be in very close proximity to the North West elevation of Imperial Buildings. This would create the unacceptable situation of over reliance on North West facing kitchen window as a primary source of daylight, to the detriment of future occupiers.
10. The appellant has suggested that the proposed panels, on the South East elevation, could be replaced with an alternative to allow light to pass through. However, I have no details or drawings in front of me to make an assessment nor alter my finding that this would result in unacceptable harm to the amenity of future occupants.
11. Therefore, the proposal conflicts with policies DES1 and DES5 of the DM Plan and paragraph 127 of National Planning Policy Framework 2019. Among other things, these require a high quality of design in new housing that provides good living conditions and does not adversely impact on amenity, including providing adequate natural lighting and outlook.

Living conditions of neighbours

12. Due to the close proximity of the proposed block of flats to windows on the North East elevation of Imperial Buildings and the rear of Nos 12-14 High Street, the proposal also would result in a detrimental impact on the amenity of neighbouring occupiers by virtue of outlook and privacy.
13. The appellant has provided a daylight/sunlight assessment confirming that there would be a negative impact on levels of light reaching windows. The appellant considers that this would have minimal effect. I do not agree, as the assessment indicates that the 27% vertical sky component (VSC) requirement, the level at which enough light is reaching windows, is not currently being met, and this would be further reduced. Therefore, I find that these would result in unacceptable harm to the amenity of neighbouring occupiers.
14. Therefore, the proposal conflicts with policies DES1 and DES5 of the DM Plan and paragraph 127 of National Planning Policy Framework 2019. Among other things, these require a high quality of design in new housing that provides good living conditions and does not adversely impact on amenity, including providing adequate natural lighting and outlook.

Other Matters

15. The appellant has drawn my attention to other decisions regarding previous development proposals for the appeal property, and examples of low-rise flatted developments on the west side of the town centre. I have taken these into account. Planning decisions are taken on individual merit and I am not aware of the particular circumstances of each. There are blocks of flats in the town centre but these are exceptions to the prevailing character and thus these do not weigh in favour of the proposal.
16. Interested parties have raised issues of housing need, regeneration, employment and community benefit, in support. I have taken these into account. The development would regenerate an underutilised brownfield site and contribute to the housing land supply in a sustainable location. There would be associated economic and social benefits to the local community through additional support for local services and facilities. There would also be short term economic benefits relating to construction.
17. Whilst I have given these some weight, these do not justify an unacceptable form of development that would be detrimental to both the character and appearance of the area and living conditions. Moreover, there is no clear evidence before me which suggests that same or similar benefits could not be achieved by an alternative form of development. Therefore, these factors do not outweigh the harm I have identified.
18. The development would not comply with the provisions of the development plan, when considered as a whole, and there are no material considerations that would outweigh this finding.

Conclusion

19. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR