



Appeal Decision

Site Visit made on 26 October 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/L3625/W/21/3270639

Alvington House, 59 Wray Park Road, Reigate RH2 0EQ

- 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 Alvington Prop Co Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/01625/F, dated 29 July 2020, was refused by notice dated 30 November 2020.
 - The development proposed is the demolition of existing care home. Erection of flat development containing 9no. flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the planning application, the Wray Common Conservation Area (WCCA) was extended and now includes the appeal site. The appellant was aware of this and made comment. I have accordingly taken it into account in my decision.
3. The Council has indicated that it reviewed its decision after determination and found Policy DES7 of the Development Management Plan¹ (DMP) 2019 to also be relevant to the proposal. This policy relates to the loss of care homes. I have not been provided with any reasons as to why the decision had been reviewed or why the policy was not previously considered relevant by the Council. For reasons of fairness, the appeal process does not normally allow the late introduction of additional matters such as that raised by the Council. The appellant has however responded to the issues raised. In having regard to the development plan as a whole, I have considered Policy DES7.
4. A revised Framework² was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issues

5. The main issues are the effect of the proposed development on a) the character or appearance of the area with specific regard to the WCCA; b) the

¹ Reigate & Banstead Local Plan Development Management Plan (2019)

² National Planning Policy Framework (2021)

living conditions of neighbouring occupiers, with particular regard to whether or not it is overbearing, overshadowing and dominating; c) highway safety; and d) protected species and habitat.

Reasons

Character, Appearance and Conservation Area

6. S.72 of the Act³ requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Policy NHE9 of the DMP broadly accords with this approach.
7. The WCCA is characterised by large detached, mainly Victorian houses set within large plots. These properties are generally in close proximity to, or radiate out from Wray Common, a gently undulating area of public open space. The houses are set back from the site frontages and away from neighbouring properties. Together with the extensive tree and boundary planting, the Conservation Area has a spacious and verdant, almost semi-rural, character that contributes positively to the area.
8. The Conservation Area Appraisal⁴ notes that gables, 50 degree roof pitches and tile hanging are common features and that roofs are generally of plain clay tiles. Fenestration is characterised by sash windows and some mullion and transom of vertical proportions. Large vertical chimneys are an important element in balancing what is often an asymmetrical composition.
9. Outside of the WCCA, at least as far as Brighland Road, the northern side of Wray Park Road, comprises large, mainly detached properties that have extensive and mature boundary/tree planting. Properties on the southern side of this part of Wray Park Road are generally semi-detached. These buildings have a variety of sizes and styles and appear to generally date from the 20th century. Whilst the area is spacious and verdant, it is less grand and more suburban in character and thus noticeably different from the WCCA.
10. Although boundary planting currently conceals wider views of the site from the public realm, it is possible to see from outside of the site, that it contains a detached Victorian building which has been subject to previous extensions. From inside the site, it is clear that these extensions are to both sides/rear as well as to the front of the original building. Although each appears to be subordinate to the main building, particularly in terms of height when viewed from the front, they are not entirely sympathetic, particularly in terms of their cumulative scale, window design and the positioning of the conservatory and decking to the front. Whilst the original building is less grand than many others within the WCCA, and it has been subject to some unsympathetic alterations, such as uPVC window frames, it still maintains some of its original character, which sets it apart from the more modern neighbouring buildings.
11. The proposed building would offer a greater scale of built form than already exists on site. The new building's bulk would be most evident from the side elevations, where its depth and use of crown roofs would be revealed. The

³ Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Wray Common Conservation Area Appraisal (2014)

large areas of blank brickwork on these elevations would be discordant features which would only serve to emphasise the depth and overall scale of the building. Despite some visual relief through the variation in roof heights, front gable, dormers and what appear to be window headers, the front elevation would offer a somewhat muddled approach. There are a lot of windows, which would give the building a uniform and overly horizontal emphasis, which is not reflective of the area. The dormers would offer some verticality, but this would merely compete with the other windows. The proposed main entrance would be muted and thus fail to offer a clear focal point to the elevation's composition. The use of functional window frames would represent a further distracting feature. The result would be a noticeably confusing and frenetic front elevation.

12. The proposed building would occupy a similar position and footprint to that of the existing, extended building. Notwithstanding the size of the plot, given the proximity of the proposed building to Alvington Cottage, any additional height would add to the already uncharacteristically cramped relationship between these two buildings, when compared to the area more generally and the established character and pattern of development within the WCCA. As I have previously noted, the significance of the WCCA is derived not just from the architecture of the properties but also from their layout and relationship with their plots and neighbours.
13. The proposed building would be visible from the public realm and would have greater prominence than the existing building. The overall result would be a building that would not reflect the significance, character or appearance of the area. Neighbouring occupiers might be better able to see the side elevations in particular and the relationship with Alvington Cottage. Whilst such views would be private, this would not diminish the harm that would occur. Furthermore, both the development plan and Framework aim to ensure good design, something which is not limited only to proposals which are highly visible.
14. Therefore, the proposal would fail to either preserve or enhance either the character or appearance of the wider area and specifically the WCCA. As such it would be contrary to Policies DES1 and NHE9 of the DMP, which amongst other things, seek to ensure that new developments promote and reinforce local distinctiveness and preserve or enhance designated heritage assets.
15. The harm I have identified to the WCCA would, given the status and appearance of the existing building and the visibility of the proposal, be considered to be 'less than substantial' within the terms of the Framework. Nevertheless, any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal.
16. The proposal would provide for nine additional flats within the Borough. The Government's objective is to significantly boost the supply of homes and the development would make a helpful contribution in this respect. There would be short-term economic benefits associated with construction and Council tax revenues in the longer term. It might also be possible to undertake landscape enhancements. However, the harm to the heritage asset is of such a magnitude that it would not be outweighed by the limited overall public benefits of the scheme.

Living Conditions

17. Alvington Cottage lies immediately to the east of the appeal site. It has a number of ground and first floor habitable room windows on its western elevation, facing the appeal site. They generally all derive their main source of light and outlook from this direction.
18. The creation of a second storey in the north eastern corner is said to increase the maximum height in this area by some 700mm. Whilst the existing eastern elevation is a product of the building's evolution, and therefore does not offer a uniform design, there is some variation in height and scale of built form along the boundary with Alvington Cottage. As a result, the existing eaves height and shape of the roof in the north eastern corner offer a significantly less bulky built form than the proposed replacement building.
19. The additional height and bulk of built form would increase the shadow cast by the building on this neighbour, particularly later on in the day. The additional bulk would, given its proximity to the boundary and the number of windows on the neighbouring building's western elevation, also dominate the outlook from a number of these windows. As a result, the proposal would have an unacceptable overbearing effect on occupiers.
20. The current boundary fencing negates any potential harm from the existing or proposed ground floor windows. The proposed first floor window, would serve an en-suite bathroom and therefore could be conditioned to be obscurely glazed. I note that two east facing windows within the original part of the appeal building would be removed. However, due to their distance and positions relative to the neighbour, they are not as readily noticeable as the proposed window would be. Whilst the proposed window would serve an en-suite bathroom and would not add to the physical size of the building, it would add to the overall sense of intrusion caused by the proposal.
21. The proposal would be overbearing, overshadowing and dominating to the extent that it would cause harm to the living conditions of neighbouring occupiers. Accordingly, the proposal would be contrary to Policy DES1 of the DMP, which amongst other things, expects new developments to have due regard to the relationship with neighbouring buildings and so avoid adversely affecting neighbour's living conditions.

Highway Safety

22. The appellant has stated that compared to the previous care home use, the proposal would result in fewer vehicle movements. On this basis, the width of the vehicular access is said to not represent a highway safety issue. It is also suggested that the landscape drawing includes a wider access which would enable two cars to pass although this is not specifically illustrated.
23. However, I have not been provided with any data which would enable a comparison of the traffic generation from the two uses. Similarly, there is no site-specific information on the previous staffing levels of the care home, shift patterns or the nature of deliveries or visitors. Furthermore, the care home use has been declining for a number of years and is now unlikely to recommence. All of this makes a direct comparison difficult and therefore, I cannot be certain that the appellant's assumption is sufficiently robust.

24. Wray Park Road is a wide road and has a relatively straight alignment in the vicinity of the appeal site. There was no on-street parking occurring at the time of my visit in the vicinity of the site and availability of driveways and parking areas for most neighbouring properties would be likely to limit the incidence of it occurring. Given these factors, and notwithstanding the planting along the site frontage, the existing vehicular access offers good visibility when exiting the appeal site both in terms of seeing any pedestrians and vehicles. The road was not particularly busy at the time of my visit but given the prevailing context, exiting the site either to the east or the west did not seem likely to be a particularly hazardous or a difficult manoeuvre even at busier times.
25. Whilst the existing entrance may not be wide enough for two cars to pass, the prevailing conditions did not appear to present a hazardous situation from occurring were two vehicles to meet. As noted above, the visibility afforded to a driver exiting the site is good. The factors contributing to this would also apply to a driver who wanted to enter the site at the same time as a vehicle were exiting it. Both drivers would be able to see one another, as well as other road users and vehicle speeds would be relatively low, with the possibility of at least one of the vehicles being stationary. Thus, it would be possible for a vehicle to relatively easily exit the site, without causing undue inconvenience to pedestrians or other road users, before the other vehicle entered the site.
26. Even allowing for such matters as changing work patterns and the growth of home delivery services, which may increase the vehicular comings and goings during the day, given my reasoning and observations above, I find that the scheme for nine flats would not be likely to harm the free flow of traffic or represent an inconvenience to pedestrians. Accordingly, I conclude that the proposal would not harm highway safety.
27. The proposal would therefore comply with Policy TAP1 of the DMP, which amongst other things, requires developments to provide adequate access and supports schemes which do not have an unacceptable impact on highway safety. The proposal would also accord with Paragraph 111 of the Framework, which supports proposals that do not have an unacceptable impact on highway safety or a severe, residual cumulative impact on the road network.

Protected Species

28. Given the site's context, some wildlife could be expected but much of the site is grassed or subject to hard surfacing. I noted that the trees and planting appeared to be reasonably well managed, thus reducing potential habitats for protected species. Any precautionary approach must be proportionate to the available information. There was no advice from an ecological advisor nor other substantive evidence to support the officer contention regarding protected species.
29. In the circumstances, I must conclude that there is no substantive evidence to demonstrate that the proposal would cause harm to protected species. Were I minded to allow the appeal, matters relating to issues such as biodiversity or habitat protection/creation could be addressed through appropriate conditions and the landscaping scheme. Accordingly, I find that the proposal would comply with Policy NHE2 of the DMP, which amongst other things, seeks to protect and enhance local biodiversity, including habitat and protected species. The proposal would therefore accord with Paragraph 174 of the Framework, which amongst other things, seeks to minimise impacts on biodiversity.

Other Matters

30. I have not had further regard in this decision to concerns over how the Council handled the extension to the WCCA as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.
31. Having regard to the information provided in relation to the population profile, local care home supply and demand, and economic viability, I find that there is sufficient evidence to demonstrate that there is not an ongoing need for a care home facility at this site. It has also been demonstrated that the property is unviable for continued use as a care home. Accordingly, the proposal would accord with Policy DES7 of the DMP.
32. The appellant points to such matters as the adherence to space standards⁵ and the provision of recycling/bin stores. I have also noted the detailed landscaping scheme, the retention of existing mature trees on site and the associated arboricultural method statement. These factors would however represent a lack of harm which would accordingly be neutral in any balance.
33. The appellant notes that the Council references two Supplementary Planning Guidance documents which have now been superseded by a new Supplementary Planning Document⁶ (SPD), with which the proposal is said to accord. I note the appellant's frustration in relation to this issue. However, the latest SPD is guidance which should be in line with the development plan policies and as I have found the appeal scheme not to accord with these policies, the appellants reference to the SPD does not alter my decision.

Conclusion

34. I have found in the appellant's favour in regard to the latter two main issues. However, this would not be sufficient to make the proposed development acceptable in the light of the non-outweighed harm I have found to the WCCA or the living conditions of neighbouring occupiers. These harms would result in conflict with the development plan. There are no other material considerations, including the approach of the Framework, that would indicate a decision otherwise than in accordance with it. The appeal should not therefore succeed.

Stewart Glassar

INSPECTOR

⁵ Nationally Described Space Standards (2015)

⁶ Local Character & Distinctiveness Design Guide (2021)