



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/21/3266641

8 Brighton Road, Hooley CR5 3EB

- 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 Kirit Chouhan (Prestige London Homes Limited) against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/00829/F, dated 20 April 2020, was refused by notice dated 30 October 2020.
 - The development proposed is the demolition of existing dwelling and erection of two buildings comprising 10 new homes with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of two buildings comprising 10 new homes with associated access, parking and landscaping at 8 Brighton Road, Hooley CR5 3EB in accordance with the terms of the application, Ref 20/00829/F, dated 20 April 2020, subject to conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Kirit Chouhan (Prestige London Homes Limited) against Reigate and Banstead Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. A revised Framework¹ 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

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of neighbouring occupants, with particular regard to whether or not the proposal would be dominant and overbearing; and c) highway safety and the living conditions of local residents, having regard to the level of on-site parking provision.

¹ National Planning Policy Framework (2021)

Reasons

Character and Appearance

5. The appeal site is the northern most residential plot in Hooley on the western side of Brighton Road (A23). The site is occupied by a boarded up and partially vandalised dwelling. It is a single storey building although it is evident from the roof structure and dormers that accommodation was provided within the roof space. However, properties in the immediate area are generally two storeys in height albeit with varying styles and sizes. As with the neighbouring properties to the south, the building on site is set back from the road frontage and slightly above the level of the road. The site and the neighbouring properties to the south, are slightly separated from the main linear development of Hooley along the A23 by the Maple playground, which is shielded from the main road by a tree belt. There is open land and a profusion of trees to the north of the site. Thus, despite the A23 being a busy strategic route, the area has a somewhat spacious and suburban character.
6. The proposed frontage building (Block A) would be two storeys in height but with a third floor of accommodation to be provided within the roof space. However, the proposed ridge height would be slightly lower than the neighbouring building to the south, ensuring it would not appear out of keeping. It would also be wider and deeper than the existing building on site but the neighbouring building, together with the extensive tree belts to the north, would limit visibility of the building's depth. The roof pitch and design of the frontage, including the fenestration pattern, would provide relief and proportionality to the building's appearance. Combined with the choice of external materials, the building would have a residential appearance and a scale and massing that could be accommodated on site without causing harm to the character and appearance of the wider area.
7. The area between the two buildings would accommodate the majority of the car parking on site, which would increase the overall extent of built development. However, grassed/landscape areas would be provided to sufficiently separate the car parking from the buildings. Overall, given the depth of the plot, the development would not appear unduly cramped.
8. Properties opposite the appeal site have little, if any garden area, with hardstanding/car parking dominating the spaces to the sides of these buildings. Similarly, the site to the south of the appeal site has hardstanding and buildings to its rear. Whilst the proposal will intensify the use of the site, given my reasoning above, the development would not appear out of keeping with the character and appearance of the area. Therefore, it would accord with Policies DES1 and DES2 of the Development Management Plan (DMP) 2019² and the Design Guide³, which amongst other things, seek to ensure development is well designed and respects the character of the area. The proposal would also accord with paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character.

² Reigate and Banstead Development Management Plan (2019)

³ Reigate and Banstead Local Distinctiveness Design Guide (2004)

Living Conditions

9. Block A would not be positioned any closer to the neighbouring building to the south, 10A-10D Brighton Road, than the existing dwelling. There are existing openings on the northern elevation of the neighbouring building at ground and first floor level, which face towards Block A. Some of these windows are obscurely glazed. The neighbouring building is set slightly higher than the existing building on the appeal site. Thus, despite Block A being higher than the building it would replace, and set slightly further forward, it would not be unduly dominant or overbearing to neighbours in this regard. The appellant notes that the proposed windows on the southern elevation of Block A could be obscurely glazed and fixed shut except for parts which are 1.8m above finished floor level to further minimise the effect of the development. Given the size and position of these windows, such an approach would not compromise the living conditions of future residents.
10. Windows in the rear elevation of 10A-10D Brighton Road appear to have a relatively wide and open aspect, allowing views across the appeal site as well as to the west and south-west. Block A would extend further beyond the rear elevation of this neighbour than the existing dwelling. Given its proposed depth, as well as its height, it will be more noticeable from these neighbours' rear windows. However, the existing separation distance from the boundary will be maintained, with the back of the new building being slightly angled away from the boundary. As a result, the 45-degree rule, which provides a helpful guide to such matters as light and whether neighbours are likely to be affected, was said to be only marginally intersected. Indeed, given my observations above, the proposal would still allow neighbours an outlook across the rear of the appeal site. Outlook to the west and south west would be unaffected.
11. Taking all these factors into account, outlook from the rear of the neighbouring building would not be dominated by the appeal proposal. Furthermore, given that the proposed building would not be higher than the neighbouring building and would not be closer to the boundary than the existing dwelling, it would similarly not represent an overbearing form of development to neighbours when indoors or in their rear gardens. Accordingly, the living conditions of neighbouring occupants would not be harmed.
12. The proposal would therefore comply with Policy DES1 of the DMP, which amongst other things, requires developments to avoid causing harm to the living conditions of neighbours. In this respect the proposal would also comply with paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new developments provide a high standard of amenity to existing occupiers.

Car Parking

13. The site is located within an area of low accessibility, as defined by the DMP. The scale of the proposed development would therefore generate a requirement for 22 car parking spaces. The scheme would provide a total of 15 spaces. Policy TAP1 of the DMP does allow for reduced parking provision, provided there is sufficient evidence to demonstrate this would not be harmful.
14. The appellant has referenced the Census 2011 data regarding car ownership and the Council's own DMP Parking Standards evidence paper. From these sources the likely level of car ownership for households living in flatted

developments in the area and thus the potential demand for spaces has been extrapolated. This analysis suggests that 15 spaces would be sufficient provision and not result in pressure for on-street parking. The appellant points to various parking restrictions along the A23 as well as the availability of areas of on-street parking in the vicinity, which would ensure there are no highway safety issues, should overspill parking occur at any point.

15. The Council has not provided any substantive evidence to disprove the appellant's calculations regarding likely car ownership or demand for spaces. I note that neither the Highway Authority nor Highways England have raised concerns in relation to highway safety. Indeed, a condition regarding the submission of a construction method statement and a condition relating to works to the site frontage are seen as sufficient to maintain highway safety.
16. Although no parking surveys have been undertaken, I observed during my site visit, that there was on-street parking available near the site. No doubt this would be taken up later on in the day as people returned from work etc. but suggests there is at least some capacity at certain times of the day. Despite the area's low accessibility rating, I also noted that the A23 is on a bus route and that bus stops are located within walking distance of the site. The appellant indicates this would provide access to local stations and the rail network. The Council has not disputed this information.
17. Concerns regarding the effect of overspill parking on neighbouring roads and residents is a material consideration. However, I find no reason to doubt the information provided by the appellant and based on the evidence before me, including my own observations, I conclude that the provision of 15 parking spaces would not result in demand for overspill parking that would cause harm to highway safety or the living conditions of local residents.
18. Accordingly, the proposal would comply with Policies DES1, TAP1, and Annexe 4 of the DMP, and Policies CS1 and CS10 of the Core Strategy⁴, which amongst other things, seek an appropriate level of on-site parking provision but allow for a reduced provision where evidence is provided to demonstrate that this would not result in unacceptable harm.

Other Matters

19. The Council is able to demonstrate a 5-year housing supply. However, this does not mean that windfall sites should be resisted if they comply with the development plan and do not result in harm.
20. Concerns have been raised regarding possible disturbance and inconvenience to neighbours during the construction phase of the development. However, these matters can be addressed through a condition requiring the submission of a Construction Method Statement to the Council, which must be approved before work commences. This would govern such matters as deliveries, vehicle parking, construction hours etc.
21. The impact on wildlife has been cited as a reason for the scheme not to proceed. Given the site's context, some wildlife could be expected, and a bat survey has indicated the existing building is likely to support at least a single non-breeding brown long-eared bat feeding roost. However, subject to an appropriate condition ensuring adherence to the survey's mitigation and

⁴ Reigate and Banstead Local Plan: Core Strategy (2014)

avoidance recommendations, which would also ensure the works did not disturb breeding birds, the development would be able to proceed without undue harm.

22. It has been suggested that the development may have an adverse effect on the incidence of crime in the area. However, I have no evidence before me pertaining to what crimes the appeal site or wider area is currently subject to. Accordingly, I can attach little weight to this issue.
23. Concerns have also been raised regarding rats, property values and the disposal of unwanted materials. Such concerns are however outside the scope of this appeal.
24. The development would represent a change in the appearance of the site and an increase in the amount of built form. Local residents will be able to see the development and observe this change. However, I have considered the overall effect of the development to be acceptable to the character and appearance of the area and similarly, do not consider it would be harmful to those local residents who are able to view the site.

Conditions

25. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. Given my observations in relation to the appearance of the building it is necessary to ensure that the external materials to be used in the construction of the building and the hard and soft landscaping details are specifically identified and agreed. Given the importance I've attached to the landscaping it is necessary to ensure that it is given sufficient support and maintenance. I have therefore attached conditions requiring an initial maintenance schedule to be agreed with the Council for the soft landscaping and a period of time during which any planting which might be lost is replaced with planting of similar size and species. Also as previously noted, a condition controlling the glazing to the southern elevation of the frontage building is required.
26. Cycle parking will need to be secured by condition to ensure that it is provided. Similarly, the installation of car charging points should be secured by condition, in accordance with Policy TAP1 of the DMP. A condition securing energy and water efficiency is necessary to comply with Policy CCF1 of the DMP. It is necessary to impose a condition to ensure the appropriate relationship between the front boundary of the site and the highway is maintained.
27. There are a number of trees that appear to be outside of the site but in close proximity to the site's boundary. It is necessary that they are protected, and the appellant has produced an Arboricultural Method Statement to address such matters. A condition to ensure the Statement's recommendations are implemented is necessary. Similarly, it is necessary for a condition to ensure the mitigation and avoidance recommendations of the bat survey are also implemented.
28. Some surface water and drainage details have been provided by the appellant, which has demonstrated that the site could achieve broad compliance with the appropriate standards. However, a condition to ensure an appropriate suburban drainage scheme can be properly implemented is necessary. It is important

that these details are agreed before development commences so as not to prejudice the detailed design.

29. Given the nature of the works which will be undertaken on site and scale of the development it is important that a Construction Method Statement is provided. As the site is on the strategic road network and there are nearby properties, it is important that this is provided prior to commencement of development.

Conclusion

30. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule:

PL01	-	Site Location Plan
PL02A	-	Block Plan
PL03A	-	Proposed Site Plan
PL04A	-	Block A Ground Floor Plan
PL05A	-	Block A First & Second Floor Plans
PL06A	-	Block A Roof Plan
PL07	-	Block B Floor Plans
PL08A	-	Block A Elevations Sheet 1
PL09A	-	Block A Elevations Sheet 2
PL10	-	Block B Elevations
PL11A	-	Site Sections
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding or other temporary changes to the site entrance or boundary;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage details shall include:
 - a) The results of infiltration testing completed in accordance with British Research Establishment Digest: 365 and confirmation of groundwater levels;
 - b) Evidence that the proposed final solution will manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events during all stages of the development;

- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected. This can include details of how any exceedance flows could be contained within the carpark and the use of linking soakaways;
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system; and
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be carried out in accordance with the approved details.

- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of external surfaces, including fenestration and roofing details, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land and identify those to be retained. The soft landscape details shall include an establishment maintenance schedule for a minimum of 2 years, full planting specifications, planting sizes & densities.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Prior to any works to the front boundary of the property, a method statement in respect of any works to it, where it is contiguous to the strategic road highway boundary, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the highway and its infrastructure will be protected during construction of the permitted development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 9) The dwellings in Block A shall not be occupied until the windows on the south elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.8 metres above the floor of the room in

which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 10) The development hereby permitted shall not be occupied until a scheme for the provision of facilities to enable the charging of at least three electric vehicles to serve the approved development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 11) The development hereby permitted shall not be occupied until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:
 - a) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day; and
 - b) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building RegulationsThe development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 12) The development hereby permitted shall not be first occupied until a verification report has been submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme, provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 13) The development hereby permitted shall not be first occupied until space has been laid out within the site for 10 bicycles to be parked securely and that space shall thereafter be kept available for the parking of bicycles.
- 14) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Preliminary Roost Assessment prepared by David Archer Associates (April 2020).
- 15) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Arboricultural Method Statement prepared by David Archer Associates (April 2020).

END