



Appeal Decision

Site visit made on 11 January 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/L3625/W/21/3276835

136 Brighton Road, Hooley CR5 3EF

- 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 Stewart Moore (Warwick Estates Ltd) against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00328/F, dated 10 February 2021, was refused by notice dated 4 June 2021.
 - The development proposed is the demolition of the existing dwelling and attached garage; erection of a development of six flats in a two storey building with roof accommodation together with the provision of refuse and recycling stores, seven car parking spaces and new access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and attached garage; erection of a development of six flats in a two storey building with roof accommodation together with the provision of refuse and recycling stores, seven car parking spaces and new access at 136 Brighton Road, Hooley CR5 3EF in accordance with the terms of the application, Ref 21/00328/F, dated 10 February 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal and as such I have not sought comment from the main parties. I have had regard to the revised Framework in my decision.
3. The description of development as it is shown on the planning application form includes information pertaining to the scheme being an amendment to a previous permission. It is not necessary for this to be included in my description above, which reflects that for which planning permission is sought.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of local residents and future occupants of the development from increased pressure for on-street parking.

¹ National Planning Policy Framework (2021)

Reasons

5. The appeal site is an existing detached dwelling located on the west side of Brighton Road (A23). The predominant land use along this part of Brighton Road is residential. The proposal is to replace the existing dwelling with a new building containing six flats. The Council has not objected to the principle of the redevelopment nor the specific details of the building itself. Having had regard to the submitted information I see no reason to disagree.
6. As the site is located just to the north of where the M23 joins the A23, the road is heavily trafficked. Accordingly, there are double yellow lines on both sides of the road in the vicinity of the appeal site. Properties along this part of Brighton Road are set back from their plot frontages, thereby allowing car parking to take place in the front garden areas. In keeping with this, the appeal scheme proposes a car parking area be laid out to the front of the proposed building, with the existing access/crossover being relocated to a more central position on the site's frontage.
7. Policy DES1 of the Local Plan² is a wide-ranging policy which, amongst other things, seeks to ensure that new developments make adequate provision for parking. Policy TAP1 of the Local Plan specifically relates to access, parking and servicing and similarly seeks, amongst other things, to ensure developments include car parking in accordance with the adopted local parking standards. However, Policy TAP1 does allow for reduced parking provision, provided there is sufficient evidence to demonstrate this would not be harmful.
8. This part of the borough is defined in the Local Plan as having low accessibility. There are some nearby shops/facilities but the majority of the day-to-day services that future occupiers might require would necessitate travel further afield, which could reasonably involve the use of a car.
9. However, I noted that the A23 is on a bus route and that bus stops are located within walking distance of the site. The appellant's Transport Statement, prepared by Transport Planning & Highways Solutions and dated February 2021, indicates that the railway stations of Coulsdon South to the north and Merstham to the south, are both served by buses which also serve the appeal site. The Council acknowledges that buses which pass the site provide access to Redhill, Coulsdon and Croydon. Despite the area's low accessibility rating the site does nevertheless therefore have some access to public transport and I consider that this could have a bearing on future occupiers' attitude to levels of car ownership and parking.
10. There is no dispute between the main parties that there would be a shortfall in on-site parking provision when compared to the requirements of the local parking standards outlined in Annex 4 of the Local Plan. The appellant claims the shortfall is 6 spaces whereas the Council suggests the shortfall is 7 spaces. This difference is the result of alternative approaches to calculating visitor parking requirements. My colleague who considered the previous proposal for 5 flats and 7 car parking spaces on the site identified a shortfall of 4 spaces. Despite the different calculations of the main parties, the current scheme would see the shortfall rise by at least a further 2 spaces when assessed against the local parking standards.

² Reigate and Banstead Local Plan Development Management Plan (2019)

11. However, the appellants refer me to the Transport Statement which notes that based on census data, car ownership levels for those households in the area who live in flats is lower than that for households who live in houses. On this basis, it is suggested that the 6 proposed flats would actually be likely to produce a potential demand for 8 car parking spaces plus 1 visitor space, a shortfall of 2 spaces on the number proposed. This information was also presented in support of the previous appeal. The Council has not disputed these figures.
12. Both my colleague who considered the previous appeal on this site and my colleague who considered the appeal next door at 134 Brighton Road, for 5 flats with 5 car parking spaces, were tasked with considering the likelihood and potential impact of an under provision of on-site parking. Both took into account locational factors, and in particular the absence of nearby alternative on-street parking options. In both instances, the conclusion was that a shortfall in on-site parking provision would not adversely affect the wider area. In essence, the cumulative effect of the site's location and the level of on-site parking would be likely to act as an inherent filter on who chose to live in one of the proposed flats.
13. Having viewed the alternative options for on-street parking, I agree that parking in these areas would not be overly attractive to future occupiers of the proposed development. Parking near the Starbucks, at the junction with Dean Lane, would be closer to the site than alternative options on Church Lane Avenue, despite being on the opposite side of the A23 to the appeal site.
14. There seemed to be a strong demand for on-street parking from Starbucks' customers during the time of my site visit, which took place in the early afternoon on a weekday. I accept that when the Starbucks is closed, and given that houses nearby have on-site parking, there would be likely to be greater availability of on-street spaces. However, as the Starbucks' advertised opening hours are 6am – 9.30pm, it is likely to be open when most residents might reasonably be looking for a parking space.
15. Given the distance from the site and demand for spaces from customers when Starbucks is open, there would be a clear disincentive for future residents of the appeal site from seeking a parking space in this location. I do not consider that an additional flat at the appeal site would be likely to change that and so would be unlikely to add to parking pressure in this area.
16. Although slightly further away from the appeal site, Church Lane Avenue, and Church Lane Drive, appear to provide a greater opportunity of finding a parking space and do not appear to be subject to any parking restrictions. As such they may appear to be a more attractive proposition. However, there is no pedestrian footpath along Church Lane, which connects Church Lane Avenue with Brighton Road. There is a pedestrian footpath between Church Lane Avenue and Brighton Road, which is a short distance to the north of the appeal site. It takes a few minutes to walk from Church Lane Avenue to the appeal site via this route. This pedestrian cut-through would not be particularly attractive to everyone, especially in the evenings. As such there are clear disincentives to future residents from using Church Lane Avenue for on-street parking.
17. The Council's concerns are understandable. Indeed, despite the distance and nature of the walk I cannot entirely discount the possibility that the additional

accommodation might lead to some future occupants choosing to park on, for example, Church Lane Avenue and walk to the appeal site, especially if they were not using their car every day.

18. The Council estimates there would be a theoretical overspill of up to 7 cars onto surrounding roads. In the light of the previous appeal decisions, public transport options, my own observations and car ownership data (which the Council does not dispute) I am satisfied that if overspill parking were to occur from the site onto other roads, it is likely to be at a much lower level than the Council suggests.
19. Crucially, despite the Council's concerns, there is no substantive evidence before me to demonstrate that existing levels of on-street parking provision on other roads near the appeal site are currently problematic. At the time of my site visit there was a noticeably greater level of on-street parking available on Church Lane Avenue as opposed to near the Starbucks. No doubt later in the day it would become busier. However, if there were to be some overspill parking from the proposed development, I have no basis on which to conclude that this might result in unacceptable pressures on the on-street parking situation and so harm the living conditions of local residents.
20. As an alternative to parking on nearby streets, it is suggested by the Council and interested parties that some future residents might consider parking on the grass verge on the west side of the A23. If it did occur, it would certainly have a negative effect on the character of the area and be an inconvenience to neighbours. Importantly, it would also be likely to hamper visibility for vehicles entering/exiting properties and so become a highway safety issue.
21. Of significance in this respect is that neither the Highway Authority nor Highways England, both of whom commented on the proposal, have raised this as an area of concern or sought to have the verge outside the site protected in some way in order to prevent such parking. It would also not be a particularly attractive option for future residents. Furthermore, given the strategic nature of the road and the likely impact on visibility, enforcement on this matter (which is outside the remit of the planning system) would, it seems to me, be likely to result and thus would act as a further disincentive to residents from parking on the verge. I am therefore satisfied that the probability of it happening is low.
22. The scheme which was allowed on appeal for this site in effect equated to one space per unit and two visitors' spaces. The scheme as now proposed would equate to one space per unit with one visitors' space. I have had regard to all the various locational factors, the likely levels of car ownership of future occupiers and the alternative on-street parking options. Significantly, there is an absence of clear evidence to demonstrate on-street parking elsewhere is at critical levels, such that even if there were to be some overspill parking, there would be harm to the area, local residents or future occupiers of the proposed flats. As a result, I conclude that the proposed scheme would not lead to increased pressure such that the living conditions of local residents and future occupants of the development would be adversely affected.
23. Accordingly, the proposal would comply with Policies DES1 and TAP1, and Annex 4 of the Local Plan 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. The Council's Supplementary Planning Document³ requires parking provision in accordance with Policy TAP1 and accordingly the proposal would accord with this document too.

24. In their reason for refusal the Council refer to Annex 3 of the Local Plan. However, it is clear from the officer report and the appeal submission that this was an error, and that Annex 4 is the correct annex. The appellant referred to Annex 4 in their statement. Accordingly, I am satisfied that this did not prejudice the appellant or my decision.

Other Matters

25. The Council has drawn my attention to an appeal decision elsewhere in the borough where the under provision of on-site parking was said to be likely to increase competition for spaces within walking distance of the site and so be detrimental to residents living near those spaces. Putting aside that weight is a matter for the decision maker in each case, I have found that the alternative parking options in the case before me are likely to be unattractive to future occupiers of the development. Nevertheless, I am satisfied that even if there were to be some overspill parking, it is likely to be at a relatively low level and I have no evidence before me to conclude that it would displace existing residents' parking or harm their living conditions. Accordingly, there is not a direct parallel between the two cases.
26. Interested parties have raised concerns that no tracking details have been provided to demonstrate that the proposed parking spaces are accessible. However, the scheme has been considered by the Highway Authority and no objection has been raised in this regard. I have no reason to disagree with their conclusions.
27. Concerns have also been raised regarding 'abuse' of the verges along the A23. There is some evidence of the erosion of the verges although this appears to be mainly due to vehicles cutting the corner of the crossovers as they enter and leave properties. For the reasons I have set out above, I do not consider the proposal is likely to result in car parking on the grass verge and thus directly lead to further degradation of the verges.

Conditions

28. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans.
29. In order to ensure the construction is undertaken without causing harm to other road users or the amenity of neighbours, it is reasonable and necessary to secure a Construction Transport Management Plan. This needs to be agreed prior to the commencement of development. Details of access, parking and visibility are necessary in the interests of highway safety.
30. It is necessary to impose conditions in relation to such matters as materials, landscaping, refuse/recycling facilities and boundary fencing to ensure the proposed development integrates and protects the character of the area.
31. Conditions addressing energy and water efficiency; provision of high-speed broadband; provision of cycle parking and electric vehicle charging points are

³ Local Character and Distinctiveness Design Guide Supplementary Planning Document (2021)

necessary to ensure the development minimises the consumption of future resources and complies with relevant development plan policies and the Framework.

32. In order to protect the living conditions of residents it is necessary that matters of fenestration and glazing are controlled through condition.

Conclusion

33. 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 following approved plans:

Location Plan	- BRI/001
Site Plan	- BRI/100 Rev A
Proposed Floor Plans & Elevations	- BRI/2/101
Proposed Site Section and Street Scene Elevation	- BRI/2/110
- 3) No development shall take place until a Construction Transport Management Plan, to include details of:
 - (a) Parking for vehicles of site personnel, operative and visitors;
 - (b) Loading and unloading of plant and materials;
 - (c) Storage of plant and materials;
 - (d) Programme of works (including traffic management measures);
 - (e) Provision of boundary hoarding behind any visibility zones;
 - (f) Construction vehicle deliveries and hours of operation;
 - (g) Vehicle routing or equivalent traffic management;
 - (h) Measures to prevent the deposit of materials on the highway;
 - (i) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
 - (j) Measures to ensure construction vehicle movements to or from the site shall only take place between the hours of 9:15am and 4:45pm to avoid impacting on the strategic operation of the A23 Brighton Road at peak network times;
 - (k) Measures to prevent any construction vehicles associated with the development at the site being laid up, waiting in or on the verge of Brighton Road outside of the hours of 9:15am and 4:45pm;
 - (l) On-site turning for construction vehicles;
 - (m) Measures to prevent, so far as reasonably practicable, the creation of dangerous conditions for road users on the public highway during the bulk movement of any materials to or from the development site;
 - (n) Details of any temporary access arrangements onto the site and arrangements for its removal and reinstatement of the land;

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 4) No development above ground floor slab level shall commence until samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the LPA.
- 5) No development above ground floor slab level shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted to and approved in writing by the local planning authority. The Landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment),

schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

- 6) The development hereby approved shall not be first occupied until the proposed new verge crossing arrangements have been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the design of the new verge crossing arrangements and details of the re-instatement of the existing vehicular access.
- 7) The development hereby approved shall not be first occupied until the proposed vehicular access has been constructed and provided with a means to prevent water from the site entering the highway.
- 8) The development hereby approved shall not be first occupied until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 9) The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 10) The development hereby approved shall not be first 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:
 - i) Ensure that the potential water consumption by occupants of each new residential unit does not exceed 110 litres per person per day
 - ii) 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 Regulations

The development shall be carried out in accordance with the approved details and any measures specific to an individual flat shall be implemented, installed and operational prior to its occupation.

- 11) The development hereby approved shall not be first occupied until at least 2 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2

connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

- 12) The development hereby approved shall not be first occupied until all residential units within the development hereby approved have been provided with the necessary infrastructure to facilitate connection to a high-speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet
 - b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.
- 13) The development hereby permitted shall not be first occupied until the cycle parking has been laid out within the site in accordance with drawing no. BRI/2/100 for 8 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 14) The development hereby permitted shall not be occupied until details of refuse storage and collection facilities have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and thereafter retained.
- 15) Notwithstanding the fencing shown on the approved plans the development shall not be first occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the first occupation of the development hereby permitted.
- 16) The first and second floor windows in the north and south elevations of the development hereby permitted which are shown to be obscure glazed on the approved plans shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be maintained as such at all times.

END