



Appeal Decision

Site visit made on 25 January 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/L3625/W/21/3277182

94 Brighton Road, Horley RH6 7JQ

- 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 Malik of Veer Properties against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/02581/F, dated 20 November 2020, was refused by notice dated 23 April 2021.
 - The development proposed is described as 'extension, alteration and addition of residential accommodation to the existing building on 94 Brighton Road. The proposal would provide an additional 6 No. self contained flats. The existing flat at first floor and retail unit at ground floor will be retained. The existing car park at the rear is also retained and this will provide space for parking, refuse and recycling which are all accessed from Lumley Road.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a Parking Survey and Technical Note by GTA Civils and Transport (May 2021) (GTA Report), and the Council has had opportunity to respond. It will therefore form part of my consideration.
3. Since the Council took its decision and the appeal was made, the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered and I will therefore reference the revised version going forward.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on: -
 - the living conditions of the future occupants of the proposed ground floor studio flat, in relation to light and outlook; and
 - parking provision.

Reasons

Living Conditions

5. The appeal site is located at the junction of Brighton Road and Lumley Road. It comprises a detached two-storey building with single storey rear projection and hardstanding to the side and rear. This is a predominantly residential area with the appeal site forming the end of a parade of local shops facing onto Brighton

Road. These are two-storey with accommodation in the roof and appear to have residential uses on the upper floors, with parking and garages at the rear. Lumley Road is predominantly two-storey semi-detached dwellings except for a modest detached bungalow adjacent to the appeal site.

6. An extant permission (Ref 20/00503/F) would extend the appeal building upwards and to the rear. This would provide 5 new flats on the upper floors above the retained retail unit and existing flat, and additional ground floor storage. At the rear of the approved scheme the upper floors would oversail the ground floor to make space for car parking.
7. The proposed scheme deviates from the extant permission insofar as it seeks to convert part of the ground floor storage into a studio flat, which would meet required internal space standards. It would have 4 windows, 3 of which would be set back underneath the upper floors. These would look onto the car parking with no defensible area between. The fourth window would be in the side elevation looking toward the bungalow and close to the shared residential bin store serving the appeal property.
8. The oversailing upper floors would significantly reduce light reaching the main windows, and this would be further reduced by any vehicles parked in front. The fourth window would provide some additional daylight, but sunlight would be moderated by the orientation of the building and proximity of the bungalow, as well as the existing boundary wall. It is therefore considered that the potential light to the proposed studio flat would be limited to such an extent as to harm the living conditions of any future occupants. These factors would also lead to a narrow, enclosed, and cramped outlook from the 3 main windows. This would not be mediated by the side window which would have a partially enclosed outlook due to the proximity of the bungalow and proposed bin storage.
9. The appellant has submitted a daylight and sunlight assessment which was written in support of a previous scheme. The previous scheme did not include any ground floor residential accommodation and therefore this report bears no relation to the proposed ground floor studio flat and does not alter my findings. The appellant has also noted that since their appeal submission, prior approval (20/01619/PAP3M) has been granted for 2 ground floor flats within the appeal building. The prior approval scheme provides a different configuration of flats to the proposed development, and I have therefore assessed the effect on living conditions for future occupants of that proposed.
10. To conclude, the proposed development would harm the living conditions of the future occupants of the proposed ground floor studio flat, in relation to access to light and outlook. This would be contrary to policies DES1 and DES5 of the Reigate and Banstead Development Management Plan 2019 (DMP), paragraph 130 of the Framework, and advice contained within the Local Distinctiveness Design Guide Supplementary Planning Guidance, insofar as they relate to living conditions.

Parking provision

11. Lumley Road as well as adjacent roads, has non-controlled on road parking available. The proposed development would provide 7 off road parking spaces. This would constitute a deficit of 1 visitor space. However, Policy TAP1 of the DMP and the associated Annexe 4 allows for variation of the parking provision

when satisfactory evidence has been provided. The policy considers satisfactory evidence to be parking surveys and local parking demand and/or further information on accessibility. The GTA Report provides parking surveys and a parking demand assessment. On review of this evidence, I am satisfied the proposal would provide appropriate parking provision, in these circumstances, and would not result in harm to existing residents of the local area or future occupants of the proposed development.

12. The main parties disagree on the frequency of the bus services to the area. However, this does not alter my findings in relation to parking provision.
13. In conclusion, the proposal would provide acceptable parking provision. It would therefore comply with Policy CS10 of the Reigate and Banstead Local Plan Core Strategy 2014 (Core Strategy), and DMP policies DES1 and TAP1 and Annexe 4 which specify access and parking criteria, amongst other things. Core Strategy Policy CS1 is referred to in the reason for refusal, I have however not referred to it above as it does not appear to be directly relevant to parking provision.

Other Matters

14. I note that the appellant states that part of the appeal site in question would be used for storage if the appeal is dismissed. This is the current use of that part of the appeal site and therefore its continued use would not alter the effect on the surrounding residential properties. The appellant has also referred to the sustainable design, construction and Building Regulations compliance of the proposed development. I also note the appellant's view on the planning committee decision not being consistent with the committee report. I have had regard to all these matters, but they do not mediate the harm caused to the living conditions of the future occupants of the proposed ground floor studio flat.

Conclusion

15. Although the proposed development would not be harmful in terms of parking provision, this does not outweigh the harm that would be caused to future occupants of the proposed ground floor studio flat, in relation to light and outlook.
16. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR