



Appeal Decision

Site visit made on 8 February 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/L3625/D/21/3279532

21 Wood Street, Merstham, Surrey RH1 3PE

- 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 M Brauner against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00438/HHOLD, dated 22 February 2021, was refused by notice dated 11 June 2021.
 - The development proposed is erection of garage to the rear and wall and gates to the front.
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Decision

1. The appeal is dismissed insofar as it relates to the walls and gates to the front. The appeal is allowed insofar as it relates to the erection of a garage to the rear and planning permission is granted for the erection of a garage to the rear at 21 Wood Street, Merstham, Surrey RH1 3PE in accordance with the terms of the application, Ref 21/00438/HHOLD, dated 22 February 2021 and plans SC21WoodSt.DG.1, SC.21Wood.01, SC.21Wood.02, SC.21Wood.03 submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matters

2. I have used the description of development provided by the appellant, but removed reference to the works being 'part retrospective' as this is not an act of development.
3. I have observed that the rear garage extension is complete and in use. At the front of the site the boundary walls and piers are in place, but the metal railings and gates have not been installed.

Main Issues

4. The main issues are:
 - i) The effect of the development on the character and appearance of the area, and;
 - ii) The effect of the front boundary wall on highway and pedestrian safety.

Reasons

Character and Appearance of the Area

5. The surrounding area is predominantly residential, comprising two storey properties of which many have been extended and altered. Front boundary

treatments within Wood Street vary, but are mostly low level, creating a sense of openness to the street. The appeal site sits at a point where the road layout changes, resulting in the front garden projecting further forward than those to the south.

6. While there are examples of brick walls in the vicinity of the site, these are generally low level and of muted tones. The front boundary walls at the appeal site are notably taller than many of those in the surrounding area, and the red brick appears in stark contrast to the materials used in other front gardens nearby. This has created a boundary wall which heavily conflicts with the established character of the area and which appears prominent and incongruous to its setting. The proposed metal railings and gates would also conflict with the established character of the area due to their height and the absence of similar features in the immediate area. The effect of the unsympathetic design and materials of the walls is exacerbated by the position of the appeal site where the walls are visually prominent in longer views on Wood Street to the south.
7. I have had regard to other boundary treatments in the area highlighted by the appellant. I do not have details of the particular circumstances of those examples given. However, based on the information available and the findings of my site visit, those examples vary from the appeal site in their relationship to the street and the extent of their visibility in longer views, and they display varying materials and detailed designs. As such I do not consider these to be directly comparable to the appeal site nor provide reason to grant planning permission for the walls and gates here. I note that the appellant would omit the railings from the development. However, for the reasons above I consider that the remaining walls and piers would continue to cause harm to the character and appearance of the area.
8. Overall, I find that the front walls and gates would conflict with policy DES1 of the Reigate and Banstead Development Management Plan (DMP) 2019 which requires, among other things, that development promotes and reinforces local distinctiveness and respects the character of the surrounding area.
9. With regard to the garage extension to the rear of the appeal site, this projects further to the rear than other extensions that were visible during my site visit. The extension can be seen from the street; however this is limited to glimpses close to the appeal site and the surrounding developments and boundaries prevent visibility in longer views. By reason of its relatively low level and flat roof combined with the set back from the southern boundary, the extension does not appear visually prominent, and I do not find that it causes harm to the character and appearance of the area.
10. I find some conflict with policy DES1 of the DMP as the extension does not make a positive contribution to the character of the area, and it does not adhere to the guidance contained in the Householder Extensions and Alterations Supplementary Planning Guidance in terms of its roof design and depth. However, I find it to have a neutral effect on the character and appearance of the area which does not amount to harm due to the particular characteristics of this site. As such I find it to be acceptable.

Highway and Pedestrian Safety

11. The front boundary walls and piers adjoin the edge of the footpath and include a vehicle access set at an angle to the line of the footway. Based on the information available, I am unable to conclude that the front boundary wall provides an appropriate visibility splay to the north to allow pedestrians to be seen by vehicles exiting the site. In the absence of this information I find the proposals would conflict with policy TAP1 of the DMP insofar as it requires development not to endanger the safety of pedestrians, and paragraph 111 of the NPPF which allows for development to be refused if there would be an unacceptable impact on highway safety.
12. I have noted that the Highways Authority have specified an acceptable height for the front boundary wall which would provide the appropriate visibility. Given the scale of the change this would entail, and as I have found the front boundary walls to cause harm to the character and appearance of the area in any event, I do not consider this issue could be adequately addressed by the imposition of a planning condition.

Planning Balance and Conclusion

13. I find that the new front boundary wall and gates proposed cause harm to the character and appearance of the area, and would cause harm to pedestrian safety. I give these harms substantial weight.
14. I have had regard to the benefits of the front walls put forward by the appellant, in particular that the proposals would provide a defined and secure boundary for the occupiers of the appeal site, and the front boundary provides intervisibility between the house and street that may not have been possible with the former hedge on the front boundary. However, I attach only moderate weight to these benefits as I do not consider that this particular development is necessary to secure them. I have had regard to the lack of public objection to the developments, however this does not reduce the level of harm which has been found. Overall, these benefits of the front walls and gates, and other material considerations, do not outweigh the harms which have been identified.
15. While I find the garage extension presents some conflict with local policy, I consider that there are material considerations in the circumstances of the site and the visibility of that extension, that would justify the grant of planning permission for these works.
16. As both parts of the development are clearly severable, the appeal is allowed in respect of the rear garage extension, and dismissed insofar as it relates to the walls and gates to the front of the property. No further conditions have been suggested by the Council and I do not consider any to be necessary.

C Shearing

INSPECTOR