



Appeal Decision

Site visit made on 1 February 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/L3625/W/21/3280632

Land to rear of Driftways Cottages, Reigate Road, Banstead, Surrey SM7 1NA

- 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 & Mrs R Flower against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 21/00848/F dated 30 March 2021, was refused by notice dated 5 July 2021.
 - The development proposed is erection of 1 x 3 bed house on land to the rear of Driftways Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of different site addresses were used at the application stage but the address in the header above has been used at the appeal stage and appears to most appropriately refer to the location of the site.
3. The appeal documentation refers to a legal agreement, but it was not enclosed with the appeal documentation. At my request I was provided with a copy of a signed and dated Unilateral Undertaking (UU) dated 5 August 2021 which provides for the Appellant to pay to the County Council for the costs directly associated with providing double yellow lines on both sides of Reigate Road in the vicinity of the site and to retain the parking spaces for use by the proposed development site.

Main Issue

4. The main issue in this appeal is whether the proposed parking arrangements would be satisfactory for future occupiers.

Reasons

5. The appeal site is open land to the rear of 1 and 2 Driftway Cottages, which front onto the junction of Reigate Road (the A240) and Fir Tree Road. The western boundary of the appeal site adjoins Reigate Road with residential uses adjoining the other boundaries. There are a mix of uses in the surrounding local area, including residential with some commercial uses on the other side of Reigate Road.

6. The appeal proposal would erect a three bedroom dwelling within the site with pedestrian access off Reigate Road and provision for cycle storage within the site. The bedroom accommodation would be at lower ground level with a green roof over set at an angle to the rest of the dwelling, comprising ground floor and mezzanine level.
7. There would be no vehicular access to the site and therefore no parking within the site.
8. There are currently no parking or waiting restrictions on Reigate Road directly outside the appeal site. Given that the site has no parking on-site and in the absence of any restrictions, it might be expected that vehicles would seek to stop on Reigate Road to access the site as well as to make deliveries. I agree with the Council and the Highway Authority that it would not be safe in highway terms for cars to seek to stop or park on Reigate Road itself, so close to the junction with Fir Tree Road. It would also conflict with Policy TAP1 of the Reigate & Banstead Development Management Plan 2019 (DMP) in so far as it could impede the free flow of traffic and exacerbate traffic congestion on this busy highway, so close to the signalised junction. I also agree that this harm could be overcome through the provision of double yellow lines on both sides of Reigate Road in the vicinity of the site and up to the junction to prevent such parking from occurring. Such a scheme appears to have been agreed with the Highway Authority and this is addressed in the submitted UU.
9. There would be two parking spaces provided for the use of the occupiers of the new house on the opposite side of Reigate Road, in the forecourt of a flatted development, referenced as the Driftbridge development. The retention of these spaces in relation to the site is addressed by the UU. Neither the Highway Authority nor the Council has raised a concern regarding the reduction in parking for the residents of the Driftbridge development, and although not made available to me, I understand that there is no condition on that permission which restricts the use of those spaces to the Driftbridge development only. The Council has not countered this statement.
10. The site is in a generally accessible location in terms of access to buses and train services, with a bus stop directly outside of the site and within walking distance of Epsom Downs railway station. There are also a range of facilities and services within convenient walking distance. Nonetheless Policy TAP1 of the DMP seeks for new developments to provide car parking in accordance with the car parking standards set out at Annex 4, and which, for the size of unit proposed would be 2 spaces.
11. The proposed spaces would be on the other side of Reigate Road, necessitating the crossing of this busy road to both access the site and the parking spaces. Although the spaces would be reasonably close to the proposed dwelling, it would be necessary to cross this busy road and as a result it would not be a safe and practical crossing for all users, especially the elderly and families with young children. It would also not be conveniently accessible for those carrying heavy loads or for many deliveries. I am not therefore satisfied that the provision of the parking spaces as proposed would be both safe and convenient access for future occupiers of the dwelling as well as their visitors.
12. I have taken into account that Driftway Cottages to the south of the site and at the junction of Reigate Road with Fir Tree Road have no on-site parking spaces but these dwellings were built in a different era with regards to car ownership

and use. I have no reason to dispute that the proposed occupiers would not rely on using a car, but the permission would endure for future occupiers and also needs to take account of others seeking to arrive at the site by car.

13. I am not therefore satisfied that the proposed parking arrangements would be satisfactory, practical, convenient and safe for all future occupiers of the proposed dwelling. This would conflict with Policy TAP1 and Annex 4 of the DMP in relation to highway safety and provision of parking. It would also conflict with paragraph 130 f) of the National Planning Policy Framework which seeks for new developments to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users,*

Other Considerations

14. The proposed dwelling would be sited within the appeal site with generous margins to each of the boundaries so that it would not appear cramped within the site. The detailed design with some of the accommodation at lower ground floor together with the orientation of the windows and openings would ensure that there would be no direct overlooking or loss of privacy for the neighbours adjoining the site. Although the neighbours would be aware of the new property, I do not consider that its introduction would materially harm their living conditions. The Council has also raised no concerns in this regard.
15. Driftway Cottages are locally listed. However, given the siting of the proposed house and the spacing between the new house and the existing cottages I am satisfied that the setting of these non-designated heritage assets would be preserved.
16. There are trees protected by a Tree Preservation Order (TPO) within the site. I am satisfied that the protection of these trees has been addressed and were no other issues raised and planning permission to be granted, the matter could be further safeguarded through the imposition of a suitable condition.

Planning Balance and Conclusion

17. I agree that the site would be suitable in principle for residential development and that the provision of an additional unit would add to the supply of housing. However, there is no information before me to suggest that the Council is unable to meet its five year housing land supply.
18. The harm I have concluded would be significant and as a result the social and environmental roles of sustainable development would not be achieved. The conflict with the development plan is not outweighed by other considerations including the Framework.
19. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR