



Appeal Decision

Hearing Held on 16 March 2022

Site visit made on 16 March 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/L3625/W/21/3274149

**Land to the North of Bletchingley Road, Merstham, Redhill, Surrey
RH1 3EH**

- 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 Blackberry Properties Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/01756/F, dated 18 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is the erection of a single dwelling and the formation of a new access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the hearing, there was discussion about the plot being larger in reality than shown on the submitted plans because of a landownership discrepancy. There would be about 2m greater garden behind the rear of the dwelling adjacent to the common boundary with 1 Brook Road. Such additional land provision is not identified with the appeal submission plans but could be added to the plot. This matter will be discussed within the reasoning of this decision.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of 1 Brook Road, having regard to privacy.

Background and Housing Supply

4. The Council and appellant¹ have indicated 5 year housing land supply (5YHLS) figures for two baseline dates, April 2021 and April 2022. When establishing the relevant base date, the Planning Policy Guidance (PPG)² indicates that the 5YHLS is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need) over the next 5 years. Given April 2021 was almost a year

¹ Assessment of Five-Year Housing Land Supply of Reigate and Banstead Council 1st April 2021 – 31st March 2026 (also 1st April 2022 – 31st March 2027), Green Planning Studio Ltd, December 2021.

² Housing Supply and Delivery : Paragraph: 001 Reference ID: 68-001-20190722

before the hearing into this appeal, this makes any 5YHLS assessment on this basis out of date and incomplete.

5. For a baseline figure of April 2022, the Council and appellant indicate a 5YHLS figure of 9.18 years and 1.79 years respectively. The PPG³ requires that the latest available evidence should be used and in contrast to the 5YHLS period 2021-2026, the Council has been unable to detail breakdown of supply. The Council's latest Housing Delivery Monitor Report (HDMR), including 5YHLS position at 31 March 2021, focusses on delivery 1 April 2021 – 31 March 2026. There is no HDMR or bespoke delivery statement for the appeal proposal for the period 2022-2027 and therefore, for the relevant 5YHLS assessment, the Council's evidence is incomplete. Therefore, the appellant's evidence on housing supply is more compelling on the balance of evidence before me.
6. The Council's 5YHLS is based on an annual housing requirement of 460 dwellings derived from a Core Strategy (CS) 2014 which it reviewed and deemed to be up to date for the purposes of decision-making. In contrast, the appellant's annual housing requirement of 1,127 dwellings is based on the standard methodology under the Framework. The use of these differing requirements are significant factors determining the differing 5YHLS figures and both main parties have put forward evidence justifying their respective approaches. However, taking the appellant's 5YHLS figure assessment, the proposal would make only a very small, albeit important, contribution to housing supply and the meeting of the housing requirement. As such, only little weight can be given to this consideration in the planning balance.

Reasons

Character and appearance

7. The appeal site comprises an unused parcel of land fronting onto Bletchingley Road and backs onto the garden of 3 Brook Road, which is situated at a higher level. It flanks onto the relatively small and high level garden of 1 Brook Road on one side, which it was formerly part of, and an electricity substation on the other side. Beyond the sub-station, there is a railway embankment and railway line above, that is bridged across Bletchingley Road. Opposite the site, there is a row of detached and semi-detached dwellings set back from the road with modest frontage sized gardens with parking and driveways.
8. The area is identified in the Council's Local Distinctiveness Design Guide as Victorian/Edwardian development, but this has changed through a number of more recent buildings in this locality. Dwellings are predominantly two storey and are of varied design and form surrounding the appeal site. Nevertheless, there is an attractive suburban character and appearance based on the prevailing set back of dwellings within landscaped frontages and long rear gardens.
9. The proposed dwelling would be constructed with a material palette to match existing dwellings within the area and the level details show the development set into the site. However, the proposed plot would be considerably smaller than most within the area which typically comprise dwellings with large gardens, and the scale and extent of development would be substantial. In this regard, the dwelling would be large, being two storey with a frontage

³ Housing Supply and Delivery: Paragraph: 004 Reference ID: 68-004-20190722

carport and balcony structure, and there would be extensive hard surfaced areas for access and turning. Due to the size constraints of the plot, there would be little available soft landscaping given the extent of the footprint of the dwelling and hard surfaced areas. Additionally, the position of the dwelling, with its flank facing onto Bletchingley Road, would contrast with the prevailing pattern of dwellings in the area that directly face onto roads and this would emphasise the overdeveloped nature of the site. As a result, the proposed development would result in a highly developed plot relative to surrounding residential development.

10. There would be opportunities for landscaping between the flank of the dwelling and hard surfaced areas but this would be restricted due to small size and narrowness of available areas, requirements for vehicle visibility splays and outlook for residents from the ground floor windows. As such, it would be unlikely to provide a meaningful beneficial effect in screening the development and/or integrating it into its surroundings. In any case, the landscaping would take considerable time to become established and due to the scale and extent of development on a small plot, the dwelling would be overly dominant in an adverse way.
11. There are developments within the area with small plots and hard surfaced frontages, such as 12-18 Bletchingley Road, but these are the exception to the prevailing pattern of development that has spacious landscaped surroundings, whether this be due to front and rear gardens, or a combination of both. The site is currently fenced off alongside Bletchingley Road adjacent to the substation, railway embankment and bridge, and the proposal would create an entrance and activity to create an active frontage. However, the scale and extent of development would result in an overly developed site detrimental to the street scene which would far outweigh any such improvement.
12. If additional land was incorporated behind the dwelling and 1 Brook Road, there would be greater space about the development. However, even with this additional land, the dwelling with its frontage carport structure and hard surfaced areas, would be overly dominant. Furthermore, this land would be located between the back of the dwelling and the high level boundary and garden of the neighbouring property and therefore, there would be limited scope for landscaping. For all these reasons, the development would harm the character and appearance of the area in a significant way and the proposal would be contrary to Policies DES1 and DES2 of the Reigate and Banstead Development Management Plan (DMP) 2019.

Living conditions

13. The rear first floor kitchen window of the dwelling would face onto the garden and rear elevation of the dwelling at 1 Brook Road. However, this window could be obscure glazed and fixed shut, and this would prevent significant overlooking of the neighbouring property. A condition to ensure this would be reasonable because the kitchen and the connected open plan living area would be served by other non-obscured glazed openings. Therefore, the development would not harm the living conditions of the occupiers of the adjoining property, having regard to privacy, and the proposal would comply with Policy DES1 of the DMP (in respect of living conditions).

Other matters

14. The dwelling would boost housing supply in accordance with paragraph 60 of the Framework but this should be afforded little weight in the decision-making process. A dwelling would provide opportunity for people to live in the district rather than outside of it and would result in a smaller sized dwelling creating diversity in the housing stock. Construction of the dwelling would provide employment opportunities during construction and the financial spend of new residents would support local businesses. Development would utilise an unused plot of land. New residents would be located within an existing settlement and close to public transport links, amenities, and services, reducing travel time and dependency on private vehicle. Taken as whole, these benefits would weigh modestly in favour of the proposal, taking into account one dwelling would be created.
15. By virtue of the particularly overdeveloped and incongruous nature of the development, this adverse effect on the character and appearance of the area would be significant. Under paragraph 126 of the Framework, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and the proposal would fall considerably short of good design for the reasons indicated.

Planning balance

16. There would be conflict with the design and residential garden land policies of the DMP. Both DMP Policies DES1 and DES2 are central to the consideration of the proposal because they relate to development design and residential garden land. Due weight should be given to these policies according to their degree of consistency with the Framework.
17. DMP Policy DES1 requires the promotion and reinforcement of local distinctiveness whereas paragraph 130 of the Framework requires developments to be sympathetic to local character and history, including surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Whilst the wording is different, character assessment involves the consideration of what makes an area identifiable, and thus is broadly consistent. Within the policy, the need for high quality materials is a clearly expressed term which indicates a strong emphasis on quality. The policy makes no reference to the need to take account of the contribution of secondary or recycled materials as supply of materials, as per paragraph 210 b) of the Framework, but such a consideration is not at issue here.
18. DMP Policy DES2 also requires proposals to reinforce local distinctiveness but for similar reasons as above, is broadly consistent. Framework paragraph 120 d) sets out that development of under-utilised land should be promoted especially if this would help to meet identified needs for housing where supply is constrained. However, the local policy permits garden land development subject to meeting design criteria and at Framework paragraph 119, this promotion of under-used land is also dependent upon safeguarding and improving the environment. National policy also makes a proviso that garden land is excluded from the definition of previously developed land. Paragraphs 126, 127 and 129 of the Framework set down the importance of tailoring detail to individual proposals but there is no evidence that the local plan policy requirements are restrictive. In any case, every proposal will inevitably be

different in nature and circumstance so that local plan policy will have to be assessed accordingly.

19. DMP Policy TAP1 (Access, parking and servicing) requires a safe access to serve the development which is provided by the proposal. As such, it is a neutral issue. CS Policies CS1 (presumption in favour of sustainable development) and CS10 (sustainable development) are peripheral to the policy assessment as no conflicts have been identified in relation to the proposal. In any case, CS Policy CS1 details legislative and Framework policy requirements for the determination of applications which this decision follows.
20. In summary, both DMP Policies are broadly consistent with the Framework. There is a failure to achieve a 5YHLS based on the evidence before me. For the reasons indicated, the harm to the character and appearance of the area would be significant and the contribution of one dwelling to supply and meeting the requirement would attract little weight. Accordingly, the conflicts with the development plan Policies DES1 and DES2 would be significant and overriding, and there would be a conflict with the development plan taken as a whole.
21. Turning to the tilted test of paragraph 11 d ii. of the Framework, the adverse design impacts would be significant whilst the benefits of the proposal would be modest. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Matthew Green	Green Planning Studio
Ruth Reed PPRIBA	Green Planning Studio
Dainius Tautkevicius	Green Planning Studio

FOR THE LOCAL PLANNING AUTHORITY

Matthew Holdsworth	Reigate and Banstead Borough Council
Tanya Mankoo-Flatt BSc (HONS) MPhil MRTPI	Reigate and Banstead Borough Council
Petra Skelly	Reigate and Banstead Borough Council

THIRD PARTY

Andrew Fletcher	Neighbouring property
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Plan 19_1044_006 Rev A (Proposed Dwelling: Elevations) submitted for clarification and confirmation as correct plan.
2. Review of the Reigate & Banstead Local Plan: Core Strategy. June 2019.
3. Statement of Common Ground (Draft agreed at hearing).
4. Tables: 5YHLS 1 April 2021 (without oversupply) and 5YHLS 1 April 2022 (without oversupply).
5. Report to Reigate & Banstead Borough Council, Report on the Examination into Reigate & Banstead Core Strategy Local Plan, January 2014.